

T3S R33E Sec 8

MICROFILMED
JAN 15 2004

NW 5/4

SW 5/4

8

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STATE OF IDAHO
Department of Water Resources

DEPARTMENT OF WATER RESOURCES

FEB 03 2003

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern RegionPlease 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 division of the existing water right or adjudication claim record will be required.

Water Right No(s)	WR #s Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
See Attached	35-7082		35-12932		
35-12656B	35-12656A		35-2499		
35-2153D	35-2656		35-2153B		
35-2594A	35-2472				
35-2153C	35-12931				

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

- A. The appropriate FILING FEE. See instructions for fee amounts. \$300
- 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 usually attached to your deed or on file with the county).
OR
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 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) North Highlander Farms, Inc.
1845 Tiffany Dr., Idaho Falls, ID 83404
4. New Owner/Claimant(s) Lynn ~~St~~ Tamara Kendell or Kevin Johns or Tracy Johns
Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address 2287 Satterfield Drive
- City, State and ZIP Code Pocatello, ID 83201
- New Telephone Number (208) 238-7000
5. Date you acquired the property March 15, 2002

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JAN 15 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7. Signature of New Owner(s) or Claimant(s) *Tamara Kendell*
(include title if applicable) Lynn Kendell Tamara Kendell
Kevin Johns Traci Johns

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.

For Office Use Only

Received by *GC* Date 2-3-03 Fee \$300-
 Receipted by *GC* Date 2-3-03 Receipt No. EC 28477
 Processed by AJ Date _____ WR _____ Date _____

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JAN 15 2004

Attachment to
Notice of Change in Water Right Ownership

<u>Water Right #</u>	<u>Adjudication Claim #</u>	<u>Split</u>
35-12656B		NA
35-02153D		NA
35-02594A		NA
35-02153C		NA
35-12656A		NA
35-07082		NA
35-02153B		NA
35-02656		NA
35-02472		NA
35-12931		NA
35-12932		NA
35-02499 v		NA

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JAN 15 2004

BINGHAM COUNTY, IDAHO
BLACKFOOT
FEE 9.25 DEP 6373

EXHIBIT "A"

2002 DEC 31 AM 10:08

520860

WARRANTY DEED

RECORDED AT THE REQUEST OF
Professional Survey Services
PO Box 2466
Pocatello ID 83206

FOR VALUE RECEIVED, Russell William Berrett and Shirley Berrett, husband and wife, hereinafter referred to as "Grantor", whether one or more, does hereby grant, bargain, sell and convey unto Lynn William Kendell and Tamara Kendell, husband and wife, hereinafter referred to as Grantee, whether one or more, whose current address is 2287 Satterfield Drive, Pocatello, Idaho 83201, and undivided 57% of the following described real estate, in Bingham County, Idaho, to wit:

See Exhibit "1"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 23rd day of December, 2002.

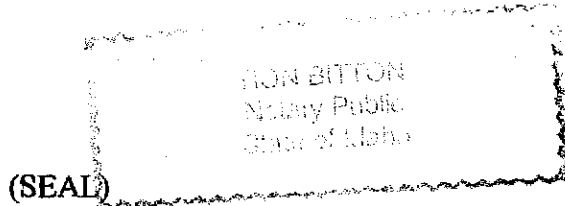
Russell William Berrett
Russell William Berrett

Shirley Berrett
Shirley Berrett

STATE OF IDAHO)
:SS
County of Bannock)

On this 23rd day of December, 2002, before me, the undersigned Notary Public, in and for said State, personally appeared Russell William Berrett and Shirley Berrett, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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




NOTARY PUBLIC-STATE OF IDAHO
Commission Expires: 5/30/02

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JAN 15 2004

EXHIBIT A

EXHIBIT "1"

Inst. # 347187

Township 3 South, Range 33 E.B.M., Bingham County, Idaho

Section 7: Lots 3 and 4, E1/2SW1/4, EXCEPT: County Road along South 30 feet thereof.

Inst. # 190883

Lots 1 and 2; E1/2NW1/4; E1/2 LESS: the highway right-of-way

Section 6: All except the road right-of-way

Section 8: West 30 rods EXCEPTING THEREFROM: the highway right-of-way

Inst. # 209042

Section 19: Lots 3 and 4; E1/2SW1/4

Together with all water and water rights, ditch and ditch rights thereunto appertaining.

Miscellaneous:

- Eight (8) Lockwood linear-sprinkler systems
- One (1) Reinke circular sprinkler system
- Four (4) miles of mainline
- Nine (9) pumps and related electrical panels
- Ten (10) grain bins
- Two (2) shops

520860

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JAN 15 2004

EXHIBIT "A"

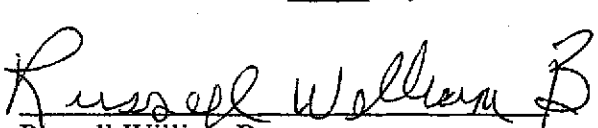
WARRANTY DEED

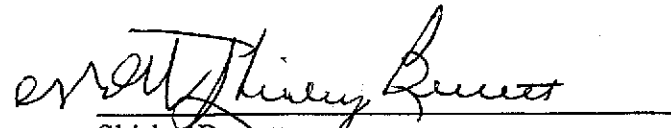
FOR VALUE RECEIVED, Russell William Berrett and Shirley Berrett, husband and wife, hereinafter referred to as "Grantor", whether one or more, does hereby grant, bargain, sell and convey unto Kevin Johns and Tracy Johns, husband and wife, hereinafter referred to as Grantee, whether one or more, whose current address is 2674 W. 1200 S., Aberdeen, Idaho 83210, and undivided 43% of the following described real estate, in Bingham County, Idaho, to wit:

See Exhibit "1"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 12th day of December, 2002.


Russell William Berrett


Shirley Berrett

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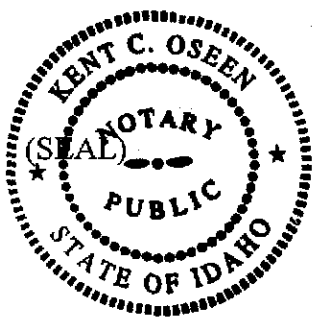
JAN 15 2004

EXHIBIT A

STATE OF IDAHO)
 :SS
County of Bannock)

On this 12th day of December, 2002, before me, the undersigned Notary Public, in and for said State, personally appeared Russell William Berrett and Shirley Berrett, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Kent C. Oseen
NOTARY PUBLIC-STATE OF IDAHO
Commission Expires: 1-7-05

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JAN 15 2004

REAL ESTATE AGREEMENT

THIS AGREEMENT is made effective September 15, 2002 by and between

Russell William Berrett and Shirley Berrett, husband and wife

hereinafter known as "Seller," and

Lynn and Tamara Kendell, husband and wife (57%)

Kevin and Tracy Johns, husband and wife (43%),

hereinafter known as "Buyer."

IT IS HEREBY AGREED AS FOLLOWS:

1. SALE OF PROPERTY. Seller covenants and agrees to sell and convey to the Buyer, and the Buyer covenants and agrees to purchase from the Seller under the terms set forth below, the real property described as:

See attached Exhibit "1"

2. PURCHASE PRICE.

2.1 The purchase price of the above-described property shall be ONE MILLION NINE HUNDRED FORTY-TWO THOUSAND EIGHTY-FIVE and 20/100 DOLLARS (\$1,942,085.20). The purchase price shall be paid by Buyer to Seller as follows:

28 semi-annual payments of ONE HUNDRED THREE THOUSAND FIVE HUNDRED and no/100 DOLLARS (\$103,500.00) each per the amortization schedule attached as Exhibit "D" with the first payment of ONE HUNDRED THREE THOUSAND FIVE HUNDRED and no/100 DOLLARS (\$103,500.00) due as of March 1, 2003.

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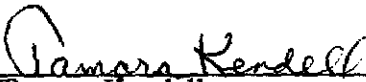
JAN 15 2004

husband and wife or their successors in interest in full satisfaction of all obligations to Russell William Berrett and Shirley Berrett, husband and wife, it being the intention of all parties that Maker have no personal liability under this Promissory Note; provided however any payments that are in default prior to conveyance by Maker of a deed in lieu of foreclosure shall remain a joint and several obligation of the Maker, and each of them, until those payments that are in default prior to conveyance by Maker of a deed in lieu of foreclosure are paid by Maker.

Dated effective September 1, 2002.

MAKER:


Lynn Kendell


Tamara Kendell


Kevin Johns


Tracy Johns

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EXHIBIT "1"

Inst. # 347187

Township 3 South, Range 33 E.B.M., Bingham County, Idaho

Section 7: Lots 3 and 4, E1/2SW1/4, EXCEPT: County Road along South 30 feet thereof.

Inst. # 190883

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Section 6: All except the road right-of-way

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Inst. # 209042

Section 19: Lots 3 and 4; E1/2SW1/4

Together with all water and water rights, ditch and ditch rights thereunto appertaining.

Miscellaneous:

Eight (8) Lockwood linear sprinkler systems
One (1) Reinke circular sprinkler system
Four (4) miles of mainline
Nine (9) pumps and related electrical panels
Ten (10) grain bins
Two (2) shops

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JAN 15 2006
EXHIBIT 1

T3S R33E Sec 8

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JAN 15 2004

2002 FEB 15 PM 2: 48

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

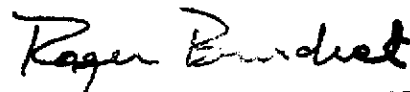
For Water Right 35-02153B

On November 27, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02153B is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 4, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JAN 15 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-02153B

2002 FEB 15 AM 9:06
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: NORTH HIGHLANDER FARMS INC
C/O R W BERRETT
1845 TIFFANY DRIVE
IDAHO FALLS, ID 83404

SOURCE: GROUNDWATER

QUANTITY: 2.78 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02656 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.08 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1200 AF.

PRIORITY DATE: 05/14/1954

POINT OF DIVERSION: T03S R33E S06 NWSENE Within Bingham County
NWSENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.78 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T03S R33E S06 LOT 01 (NENE) 40.0	LOT 02 (NWNE) 40.0
	SWNE 40.0	SENE 40.0
	LOT 03 (NENW) 40.0	LOT 04 (NWNW) 30.0
	LOT 05 (SWNW) 30.0	SENW 40.0
	300.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 35-02656 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

JAN 15 2004

2002 FEB 15 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-02153B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02153B was mailed
on February 15, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

NORTH HIGHLANDER FARMS INC
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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02/15/02

JAN 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 7, 2004

LYNN WILLIAM & TAMARA KENDALL
KEVIN & TRACY JOHNS
2287 SATTERFIELD DR
POCATELLO ID 83201

RE: Change of Ownership for Water Rights 35-2153B/C/ D, 35-2472, 35-2499,
35-2594A, 35-2656, 35-7082, 35-12656A/B, 35-12931/32

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for Jeff Peppersack
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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JAN 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 4, 2003

LYNN &/or TAMARA KENDALL
KEVIN &/or TRACY JOHNS
2287 SATTERFIELD DR
POCATELLO ID 83201

RE: Change of Ownership for Water Rights 35-12656A/B, 35-2153B/C/D, 35-7082,
35-2499, 35-12931/32, 35-2472, 35-2656, 35-2594A

Dear Interested Parties:

Our letter of June 2, 2003 (copy enclosed) requesting evidence of water right ownership, legal description and plat map of property remains unanswered. Therefore, I am returning the ownership change request. A copy of your ownership change information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required proof of ownership, legal description and map and we will be happy to complete the request for you.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

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JAN 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 2, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LYNN &/or TAMARA KENDALL
KEVIN &/or TRACY JOHNS
2287 SATTERFIELD DR
POCATELLO ID 83201

RE: Change in Ownership for Water Rights 35-12656A/B, 35-2153B/C/D, 35-7082,
35-2499, 35-12931/32, 35-2472, 35-2656, 35-2594A

Dear Interested Parties:

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:

- ✓ **Evidence of Water Right Ownership:** copy of Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ✓ **Legal Description of Property**
- ✓ **Plat of Property or Survey Map** usually on file with the county

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

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

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KLT:k

JAN 15 2004