

MEMORANDUM

From: Kara Alder

Re: Take off Water Right

Date: 4/24/06

Spoke with Nancy at Land Title & Escrow. After receiving the deficiency letter Nancy did further research and discovered that Black Canyon Bliss does not own Water Right 37-7218. She requested that Water Right number 37-7218 be removed from the Notice of Change in Water Right Ownership form.

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.

RECEIVED
MAR 06 2006
Department of Water Resources
Southern Region

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.

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MAR 09 2006
DEPARTMENT OF
WATER RESOURCES

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-789-A5</u>	_____	___	<u>37-21319-A5</u>	_____	___
<u>37-793-A5</u>	_____	___	_____	_____	___
<u>37-7216-A5</u>	_____	___	_____	_____	___
<u>37-7218-A5 Deere</u>	_____	___	_____	_____	___
<u>37-7712-A5</u>	_____	___	_____	_____	___

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 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**.

Name and Address of Former Owner/Claimant(s)	<u>Black Canyon Farms, Inc.</u> <u>317 River Road</u> <u>Bliss, ID 83314</u>
New Owner/Claimant(s)	<u>Black Canyon Bliss, LLC</u> Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>P. O. Box 95</u>
City, State and ZIP Code	<u>Rupert, ID 83350</u>
New Telephone Number	<u>(208) 436-9373</u>
Date you acquired the property	<u>February 28, 2006</u>

If the change in ownership affects the 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	_____	_____

Signature of New Owner(s) or Claimant(s) BLACK CANYON BLISS, LLC
(include title if applicable)

By: Rodney A. Jentzsch By: David Coats
Rodney A. Jentzsch, Member David Coats, Member

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.

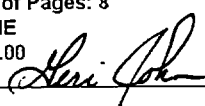
For Office Use Only

Received by <u>[Signature]</u>	Date <u>3/16/06</u>	Fee <u>25.00</u>
Received by <u>[Signature]</u>	Date <u>3/18/06</u>	Receipt No. <u>5028458</u>
Processed by <u>AJ</u>	Date _____	WR _____ Date _____

Recording Requested By and
When Recorded Return to:

Black Canyon Bliss, LLC
c/o Rodney Jentsch
20108 Fifth Street
Rupert, Idaho 83350

Instrument # 215261

GOODING, GOODING, IDAHO
2006-03-01 01:51:36 No. of Pages: 8
Recorded for : LAND TITLE JEROME
DENISE M. GILL Fee: 24.00
Ex-Officio Recorder Deputy 

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

BLACK CANYON FARMS, INC., an Idaho corporation, hereinafter referred to as
“Grantor,” for valuable consideration given by BLACK CANYON BLISS, LLC, an Idaho
limited liability company, hereinafter referred to as “Grantee,” whose pertinent mailing address
is 20108 Fifth Street, Rupert, Idaho 83350, does hereby grant, sell, transfer and convey unto said
Grantee, its successors and assigns, the following described premises situate in the County of
Gooding, State of Idaho, to-wit:

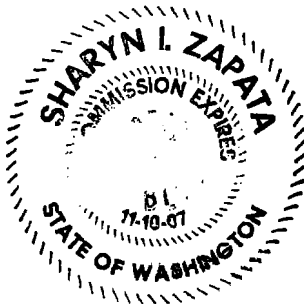
Described on Exhibit “A” attached hereto and incorporated herein by this
reference (“Premises”).

To have and to hold the same, together with all and singular the tenements,
hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

The Grantor hereby covenants with the Grantee that said Premises are free from all
encumbrances made by it and that it will warrant and defend said Premises against the lawful
claims of all persons claiming by, through or under it; **subject, however,** to all easements or
other matters of record or that would appear from a survey or careful examination of the
Premises, including, but not limited to, the rights of all persons in possession, if any, and those
matters set forth on EXHIBIT “B” attached hereto and incorporated herein by this reference.

THE PREMISES ARE SOLD AND CONVEYED TO GRANTEE AS IS, WHERE IS, AND WITH ALL FAULTS, INCLUDING BOTH LATENT AND PATENT DEFECTS. OTHER THAN AS EXPRESSLY SET FORTH HEREIN, NO WARRANTIES, EXPRESSED OR IMPLIED, ARE MADE BY GRANTOR CONCERNING THE PREMISES. GRANTEE, BY ACCEPTING THIS DEED, RELEASES GRANTOR FROM ANY AND ALL LIABILITY RELATING TO ANY ASPECT OR CONDITION OF THE PREMISES, KNOWN OR UNKNOWN, FORESEEABLE OR UNFORESEEABLE, ACTUAL OR CONTINGENT, ARISING BY STATUTE, COMMON LAW OR OTHERWISE.

IN WITNESS WHEREOF, this Special Warranty Deed has been duly executed by and on behalf of Grantor this 24th day of February, 2006



GRANTOR:

BLACK CANYON FARMS, INC.,
an Idaho corporation

By: William J. Stevenson
Name: William J. Stevenson
Title: President
(a duly authorized officer)

STATE OF WASHINGTON)
County of KING) ss.

On this 24th day of February, 2006, before me, SHARYN I. ZAPATA, a Notary Public in and for said State, personally appeared WILLIAM J. STEVENSON, known to me to be the President of BLACK CANYON FARMS, INC., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written

Sharyn I. Zapata
Notary Public for the State of Washington
Residing at RANTON
My commission expires 11-10-2007

EXHIBIT "A"

Order Number: G-35055

TOWNSHIP 6 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

- Section 7: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Section 8: SW $\frac{1}{4}$ SW $\frac{1}{4}$;
- Section 17: Lots 1 and 2; N $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$;
- Section 18: Lot 7

EXCEPTING THEREFROM a tract of land in part of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7 and Lot 7 of Section 18 in said Township 6 South, Range 13, East Boise Meridian described as follows:

Beginning at a point in the East line of Section 18, Township 6 South, Range 13, East Boise Meridian, which point bears South 686.4 feet from the Northeast corner of said Section 18;

Thence South along said East line 610.7 feet;

Thence North 67°56' West, 561.0 feet;

Thence North 71°13' West, 295.6 feet;

Thence North 27°34' West, 405.9 feet;

Thence North 46°01' West, 557.3 feet;

Thence North 13°05' West, 100.0 feet;

Thence North 12°03' East, 145.0 feet, more or less, to a point in the North line of Government Lot 7 of said Section 18;

Thence East along said North line, 56.0 feet, more or less, to the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 6 South, Range 13, East Boise Meridian;

Thence North along the West line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, 190.0 feet;

Thence North 17°42' East, 310.0 feet;

Thence North 02°45' West, 265.3 feet;

Thence North 07°02' East, 420.4 feet;

Thence North 48°03' East, 225.0 feet, more or less, to a point in the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7;

Thence East along the North line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, 220.0 feet;

Thence South 69°04' East, 75.0 feet;

Thence North 89°50' East, 168.7 feet;

Thence South 64°18' East, 70.6 feet;

Thence South 83°13' West, 235.6 feet;

Thence South 03°25' West, 74.5 feet;

Thence South 17°51' East, 466.7 feet;

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Thence South 03°15' East, 334.0 feet;
Thence South 00°35' East, 123.8 feet;
Thence South 19°11' East, 201.8 feet;
Thence South 33°25' East, 159.9 feet;
Thence South 13°36' East, 398.0 feet;
Thence South 54°33' East, 392.2 feet to THE POINT OF BEGINNING as described
in Book 49 Deeds Page 238, records of Gooding County, Idaho.

FURTHER EXCEPTING THEREFROM

Section 17: A portion of Government Lot 2 more particularly described as follows:

Commencing at a found brass cap monument marking the Southeast corner of said Section 17;

Thence Westerly along the Southerly line of said Section 17 North 89°47'53" West a distance of 2642.32 feet to the South quarter corner from which a brass cap Witness Corner/Meander Corner bears South 89°47'53" East a distance of 66.09 feet;

Thence Northerly along the mid-Section line of said Section 17 North 00°07'02" West a distance of 2649.77 feet to a found steel pin monumenting the Center quarter corner of said Section 17;

Thence Southerly along said mid-Section line South 00°07'02" East a distance of 910.06 feet to a point on the center line of an existing gravel road and the POINT OF BEGINNING;

Thence along the center line of said gravel road the following courses:

North 84°32'10" West a distance of 341.05 feet;

North 74°17'39" West a distance of 78.53 feet;

North 82°30'13" West a distance of 89.20 feet;

South 73°01'23" West a distance of 87.28 feet;

South 31°55'02" West a distance of 22.80 feet;

South 09°47'04" East a distance of 34.58 feet;

South 36°38'33" West a distance of 23.53 feet;

Thence leaving said center line South 14°52'57" East a distance of 280.79 feet to a found steel pin;

Thence North 89°27'38" East a distance of 535.75 feet to a set steel pin on said North-South mid-Section line;

Thence Northerly along said mid-Section line North 00°07'02" West a distance of 298.75 feet to the POINT OF BEGINNING.

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FURTHER EXCEPTING that portion of the following described property lying in Government Lot 2 in Section 17, more particularly described as follows:

Section 17: Commencing at a found brass cap monument marking the Southeast corner of said Section 17;
Thence Westerly along the Southerly boundary line of said Section 17 North 89°47'53" West 114.78 feet to a point on the Southerly right of way line of Old U.S. Highway 30, being the POINT OF BEGINNING;
Thence continuing along the Southerly line of Section 17 North 89°47'53" West 2527.54 feet to the S¼ corner of said Section 17 from which a brass cap Witness Corner/Meander Corner bears South 89°47'53" East 66.09 feet;
Thence continuing along said Southerly line North 89°47'53" West 289.78 feet more or less to the mean high water line on the right bank of the Snake River;
Thence along said high water line the following courses:
North 48°22'53" West 401.20 feet;
Thence North 31°04'53" West 1222.40 feet;
Thence North 14°20'40" West 118.51 feet;
Thence leaving said high water line on the right bank of the Snake River North 89°27'38" East 711.50 feet to a set steel pin;
Thence continuing North 89°27'38" East 535.75 feet to a set steel pin on the North-South midsection line of said Section 17;
Thence Northerly along said mid-section line North 00°07'02" West 333.71 feet to a point on the Southerly line of Parcel No. 2 as shown on that certain Record of Survey recorded as Instrument No. 188492;
Thence along the Southerly line of said Parcel No. 2 the following courses:
South 35°43'29" East 9.65 feet to a found PK Nail in corner fence post;
Thence North 48°38'25" East 707.56 feet to a found steel pin more less to a point on said Southerly right of way line of Old U.S. Highway 30;
Thence Southeasterly along the Southerly line of said Old U.S. Highway 30 the following course:
South 36°06'28" East 1090.31 feet;
Thence South 37°12'28" East 284.00 feet;
Thence South 42°17'28" East 117.00 feet;
Thence South 46°31'28" East 170.00 feet;
Thence South 47°15'28" East 1182.20 feet;
Thence South 40°07'28" East 170.47 feet to the POINT OF BEGINNING.

EXHIBIT "B"

1. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; or (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes.
2. Taxes for 2006 and subsequent years.
3. Assessments of the North Snake Ground Water District and the rights and powers of said Company as by law provided.
4. Effects of Deed in favor of Twin Falls Land and Water Company as recorded in Book F at Page 260, records of Gooding County, Idaho.
5. Power Line Easement given by Paul C. Purdy and Ardetta Purdy, husband and wife, to Idaho Power Company, a corporation, dated October 6, 1959, recorded February 17, 1960 in Book 8 Page 141 as Instrument Number 140045, Gooding County records, affecting the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 6 South, Range 13 East, Boise Meridian.
6. Power Line Easement given by Lynn E. Stevenson, a single person, to Idaho Power Company, a corporation, dated December 3, 1971, recorded April 11, 1972 as Instrument Number 39931, Gooding County records, affecting the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 6 South, Range 13 East, Boise Meridian.
7. Power Line Easement given by Lynn E. Stevenson, a single person, to Idaho Power Company, a corporation, dated March 17, 1972, recorded October 10, 1972 as Instrument Number 42241, Gooding County records, affecting the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 6 South, Range 13 East, Boise Meridian.
8. Terms and Conditions of Judgment in the Case of William I. Feustel and A. Gerilyn Feustel, husband and wife, Plaintiffs, Counterdefendants vs. Lynn Stevenson, a single man and Gerald R. Stevenson, Defendants, Counterclaimants, dated April 24, 1978, recorded November 2, 1979 as Instrument No. 79672, Gooding County records, pertaining to a pipeline and measuring device affecting Lot 6, Section 7, Township 6 South, Range 13 East, Boise Meridian, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 and 2, of Section 17, and Lot 7 of Section 18, Township 6 South, Range 13 East, Boise Meridian.
9. Power Line Easement given by Lynn E. Stevenson, a single person, to Idaho Power Company, a corporation, dated November 16, 1981, recorded May 18, 1984 as Instrument Number 108269, Gooding County records, affecting a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and Lot 2, Section 17, and Lot 7 of Section 18, all Township 6 South, Range 13 East, Boise Meridian.

10. Power Line Easement given by Lynn E. Stevenson, a single person, to Idaho Power Company, a corporation, dated February 2, 1984, recorded September 27, 1984 as Instrument Number 110750, Gooding County records, affecting the NW¼NW¼ and Lot 1 of Section, Township 6 South, Range 13 East, Boise Meridian.
11. Power Line Easement given by Lynn E. Stevenson, sole owner, to Idaho Power Company, a corporation, dated January 18, 1988, recorded March 31, 1988 as Instrument Number 131605, Gooding County records, affecting a portion of the NW¼SE¼ of Section 17, Township 6 South, Range 13 East, Boise Meridian.
12. Power Line Easement given by Lynn E. Stevenson, sole owner, to Idaho Power Company, a corporation, dated January 18, 1988, recorded March 31, 1988 as Instrument Number 131606, Gooding County records, affecting a portion of the SE¼NW¼ of Section 17, Township 6 South, Range 13 East, Boise Meridian.
13. Power Line Easement given by Lynn E. Stevenson, sole owner, to Idaho Power Company, a corporation, dated January 18, 1988, recorded March 31, 1988 as Instrument Number 131607, Gooding County records, affecting a portion of the SW¼SE¼ and NW¼SE¼ of Section 17, Township 6 South, Range 13 East, Boise Meridian.
14. Power Line Easement given by Lynn E. Stevenson, sole owner, to Idaho Power Company, a corporation, dated August 8, 1989, recorded February 13, 1990 as Instrument Number 139778, Gooding County records, affecting a portion of the SW¼SW¼ of Section 8, Township 6 South, Range 13 East, Boise Meridian.
15. Any adverse claim based on the assertion that the location of the Snake River has moved.
16. Any adverse claim based on the assertion that some of said land is now or at any time has been within the boundaries of the Snake River or any other navigable body of water or by reason of the fact or claim that any portion or portions thereof have been rendered unnavigable by artificial means or have accreted to such portions so created.
17. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.
18. Lack of a right of access to and from the land, located in a portion of the property located in the SE¼SE¼, Section 7, Township 6 South, Range 13 East, of the Boise Meridian. Right of access to and from the land, if any, is not established of record and assurance of such right of access is excluded from coverage.
19. Road right-of-way and easement between the State of Idaho by and through the Idaho Transportation Department and A. Gerilyn Feustal and Tom E. King dated April 1, 1997 and recorded April 16, 1997 as Instrument No. 170463, Gooding County Records affecting a portion of the SE¼SE¼ Section 7, Township 6 South, Range 13 East, of the Boise Meridian.

20. Effect, if any, of Affidavit of Gerilyn Feustal recorded April 16, 1997 as Instrument No. 170464, Gooding County records affecting a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 6 South, Range 13 East, of the Boise Meridian, and a portion of Lot 7 in Section 18, Township 6, Range 13 East, of the Boise Meridian.
21. Powerline and Access Road Easement between James Michael Victor and Susan Victor, husband and wife, and Idaho Power Company dated November 8, 1999 and recorded December 2, 1999 as Instrument No. 183521, Gooding County records affecting a portion of the SW $\frac{1}{4}$ of Section 8, Township 6, Range 13 East, of the Boise Meridian.
22. Power Line Easement given by Black Canyon Farms, Inc. to Idaho Power Company, a corporation dated January 7, 2003, recorded January 24, 2003 as Instrument Number 198861, Gooding County records, affecting a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8 and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7, Township 6 South, Range 13 East, Boise Meridian.
23. Easements set forth in Quitclaim Deed to Black Canyon Farms, Inc. and Lynn E. Stevenson, a single man, dated April 15, 2003 and recorded April 15, 2003, Gooding County records, affecting a portion of Section 17, Township 6, Range 13 East, Boise Meridian.