

Township 3 North, Range 5 West, B. M.,
Owyhee County, Idaho

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This Sketch is for location
purposes only.
Ihli Title & Escrow Company, Inc.
assumes no liability for variations.

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JUN 19 2000

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JUN 19 2000

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

RECEIVED
APR 16 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

WATER RESOURCES
WESTERN REGION

RECEIVED

APR 17 1998

1. Water Right Number(s) 57-02292, 57-02335, 57-07047, 57-10669
Adjudication Claim Number(s) _____ Department of Water Resources

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Lodge Land & Livestock Co.

P. O. Box 128

Caldwell, ID 83605-0128

4. New Owner/Claimant(s) DeRuyter Dairy - Nicolaas J. & Suzanne M. DeRuyter
Name connector (Check one): ☒ AND, ☐ OR, ☒ AND/OR

New Mailing Address P. O. Box 580

City, State and ZIP Code Marsing, ID 83639-0580

New Telephone Number (208) 896 - 5242

5. Date you acquired the property May 1, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated N/A Number and type of stock N/A

Diversion rate in CFS N/A Number of homes N/A Other uses N/A
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Nicolaas J. DeRuyter MICROFILMED Date 3-24-97

Nicolaas J. DeRuyter

UN 19 2000

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right. include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

ALLIANCE TITLE & ESCROW CORP.

To:

Nicolaas J. DeRuttyer and
Suzanne M. DeRuyter
501 Chute Road
Outlook, WA 98938

Date: May 12, 1997

Escrow No.: 97066501

In connection with the above referenced transaction, we enclose the following:

- () Our check in the amount \$
- (X) Original Deed recorded May 01, 1997
as Instrument No. 221695
- (X) Title Insurance Policy No. SV 2509448
- () Original Deed of Trust recorded
as Instrument No.

"THANK YOU" for the privilege of serving you. Please remember to designate
ALLIANCE TITLE & ESCROW CORP. in your next title or escrow closing transaction.

If you should have any questions or if we may be of further assistance, please do
not hesitate to contact the undersigned.

Sincerely,

ALLIANCE TITLE & ESCROW CORP.

By: 
Elizabeth Zellers, Commercial Escrow

Enclosure(s)

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JUN 19 2000

1412 WEST IDAHO STREET - POST OFFICE BOX 7546 - BOISE, IDAHO - 83707
208-336-6515 - 1-800-658-3824 - FAX 208 343-4898

Owner's Policy

American Land Title Association Owner's Policy 10-17-92



Policy Number **SV 2509448**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS,

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, herein called the Company,

insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of

- 1 Title to the estate or interest described in Schedule A being vested other than as stated therein,
- 2 Any defect in or lien or encumbrance on the title,
- 3 Unmarketability of the title,
- 4 Lack of a right of access to and from the land

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations

IN WITNESS WHEREOF, the said Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of the date shown in Schedule A, the policy to be valid when countersigned by an authorized officer or agent of the Company

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of

- 1 (a) Any law, ordinance or governmental regulation (including, but not limited to, building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land, (ii) the character, dimensions or location of any improvement now or hereafter erected on the land, (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part, or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy
- 2 Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge
- 3 Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed or agreed to by the insured claimant,
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy,
 - (c) resulting in no loss or damage to the insured claimant,
 - (d) attaching or creating subsequent to Date of Policy, or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy
- 4 Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on
 - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer, or
 - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure
 - (i) to timely record the instrument of transfer, or
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor

Issued through the Office of

IHLI TITLE & ESCROW COMPANY, INC.

MICROFILMED

JUN 19 2000

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

By

President

Attest

Secretary


Authorized Signatory **President**

THIS FORM FURNISHED COURTESY OF:

ALLIANCE TITLE & ESCROW CORP.

READ & APPROVED BY GRANTEE(S):

MD PD

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 97066501

WARRANTY DEED

FOR VALUE RECEIVED LODGE LAND AND LIVESTOCK, INC., an Idaho corporation

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto NICOLAAS J. DeRUYTER and SUZANNE M. DeRUYTER, husband and wife

GRANTEE(S), whose current address is: 501 CHUTE ROAD, OUTLOOK, WA 98938

the following described real property in OWYHEE County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: April 28, 1997

LODGE LAND AND LIVESTOCK, INC., an Idaho corporation

By:

Edward Lodge
Edward Lodge, President

By:

William Lodge
William Lodge, Secretary

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JUN 19 2000

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ALLIANCE TITLE & ESCROW CORP.
JUN 19 2000

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Schedule A

File Number 2564 Policy Number SV 2509448 Amount \$ 1,175,000.00
1. Policy Date May 1, 1997 at 5:00 P.M.



2. Name of Insured:

NICOLAAS J. DeRUYTER and SUZANNE M. DeRUYTER

3. The estate or interest in the land described herein and which is covered by this policy is:

Fee Simple

4. Title to the estate or interest covered by this policy at the date hereof is vested in:

NICOLAAS J. DeRUYTER and SUZANNE M. DeRUYTER, husband and wife

5. The land referred to in this policy is situated in the County of Owyhee
State of Idaho and is described as follows:

Exhibit "A" attached hereto and made a part hereof

MICROFILMED

JUN 19 2000

Exhibit "A" Land Description
File No. 2564
Policy No. SV 2509448

IN TOWNSHIP 3 NORTH, RANGE 4 WEST, B. M., OWYHEE COUNTY,
IDAHO

Section 19: That part of the SE $\frac{1}{4}$ lying South of the
Union Pacific Railroad Right of Way:
All that part of the SW $\frac{1}{4}$ lying East and South
of the Right of Way of the Diversion canal to
the C-2 $\frac{1}{2}$ siphon and South of the C Canal of the
Gem Irrigation District.

Section 30: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and those parts of
Lots 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and East of the Gem
Irrigation District Drain and C-2 $\frac{1}{2}$ Lateral
rights of way, as now constructed.

IN TOWNSHIP 3 NORTH, RANGE 5 WEST, B. M., OWYHEE COUNTY,
IDAHO

Section 24: All that part of the SE $\frac{1}{4}$, lying North of Drain
No. 4 and South of the Diversion Lateral from
Drain No. 4 and "C-3" Lateral,
EXCEPTING THEREFROM the following described
land: That part of the SE $\frac{1}{4}$ of Section 24, T3N,
R5W, B. M., described as follows: Commencing at the
Northwest corner of said SE $\frac{1}{4}$ of said Section, Township and
Range; thence East along the North line of the said SE $\frac{1}{4}$ 535
feet; thence South to a point on the North line of Drain No.
4, which said point is 560 feet East of the West line of
said SE $\frac{1}{4}$; thence meandering Northwesterly along the North
line of Drain No. 4 to a point where said line bisects the
West side of the SE $\frac{1}{4}$; thence North along the West line of
said SE $\frac{1}{4}$ to the Point of Beginning.

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JUN 19 2000

Township 3 North, Range 5 West, B. M.,
Owyhee County, Idaho

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This Sketch is for location
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Ihli Title & Escrow Company, Inc.
assumes no liability for variations.

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JUN 19 2003

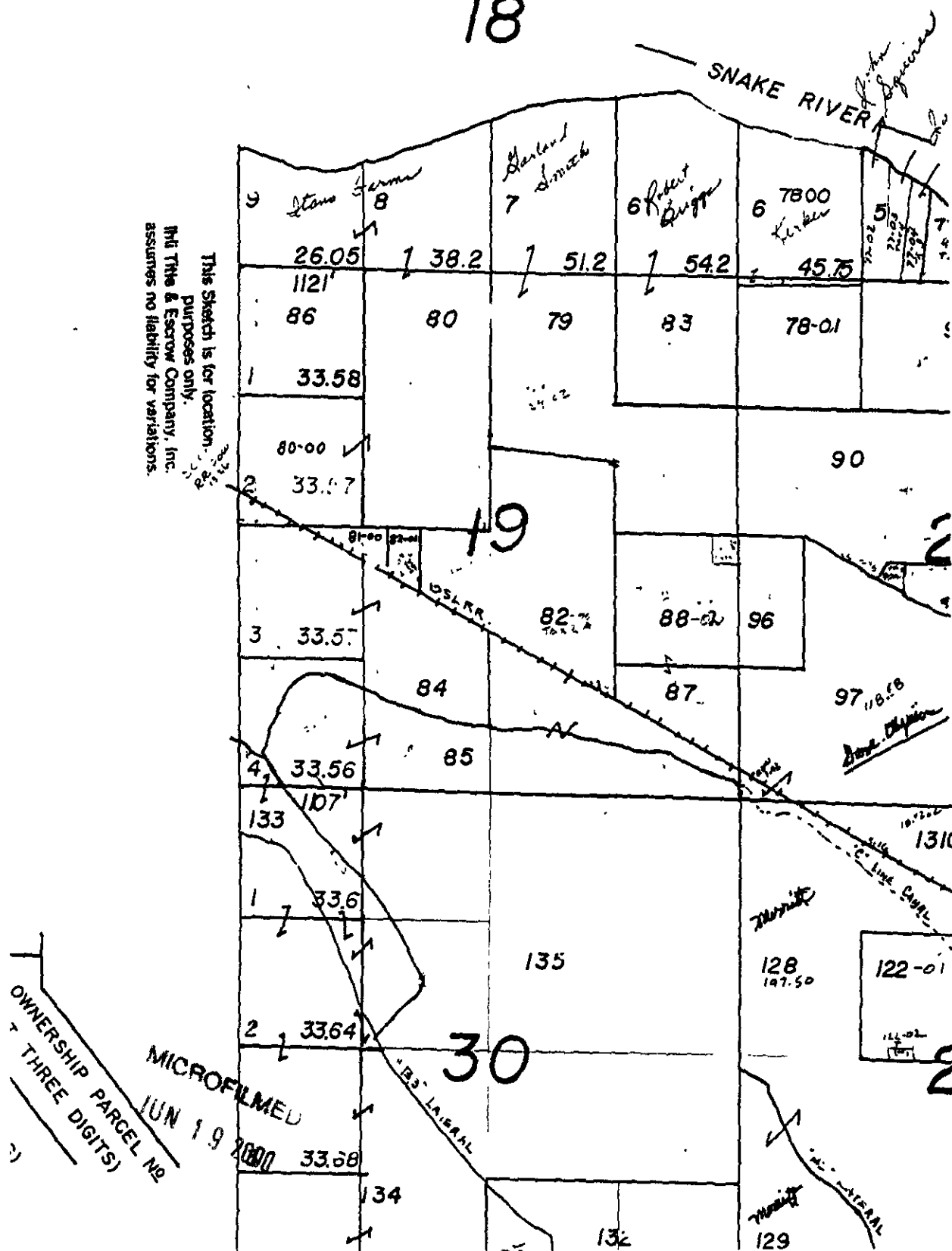
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-10669

NAME & ADDRESS: LODGE LAND & LIVESTOCK CO
PO BOX 128
CALDWELL ID 83605-0128

SOURCE: GROUNDWATER

QUANTITY: 0.23 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1968

POINT OF DIVERSION: T03N R04W S30 NWNWSE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.23 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within Owyhee County		
	T03N R04W S30	SENW	NESW	NWSE
	DOMESTIC	Within Owyhee County		
	T03N R04W S30	NWSE		

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: NOV 15 1996



DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

JUN 06 1997

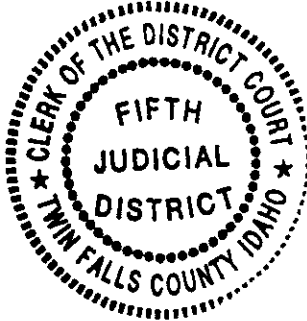
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JUN 13 2000

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.

DATED: NOV 15 1996

DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication



State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By Debbie Lusk
DEPUTY CLERK

MICROFILMED

JUN 06 1997

MICROFILMED
JUN 19 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208)327-7900 FAX: (208)327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

January 19, 1999

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

DE RUYTER DAIRY
NICOLAAS J DE RUYTER
SUZANNE M DE RUYTER
PO BOX 580
MARSING ID 83639-0580

RE: Water Rights 57-02292/57-02335/57-07047/57-10669

Dear Mr. & Mrs. DeRuyter:

The Department is in receipt of the correspondence changing ownership of the above referenced water rights to you. We have modified our records to reflect this change in ownership and computer generated reports are enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

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JAN 22 1999

IDAHO DEPARTMENT OF WATER RESOURCES
OWNERSHIP DESCRIPTION QUERY

DATE: 12/10/98

TIME: 14:56:02

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
A02-00064	GEM IRRIGATION DISTRICT	C	12/01/1911	J/	SNAKE RIVER	IRR	AJ
A02-00065	GEM IRRIGATION DISTRICT	C	04/01/1956	J/	SNAKE RIVER	IRR	AJ
02-02014	GEM IRRIGATION DISTRICT	C	01/27/1925	L/	SNAKE RIVER	IRR DOMEST	WR
A02-02014	GEM IRRIGATION DISTRICT	C	01/27/1925	/Z	SNAKE RIVER	IRR DOMEST	AJ
57-02292	LODGE LAND & LIVESTOCK INC.	C	04/14/1966	L/	GROUNDWATER	IRR	WR
X57-02292	LODGE LAND & LIVESTOCK INC	C	04/14/1966	L/	GROUNDWATER	STOCK COMMER	WR
57-02292	LODGE LAND & LIVESTOCK CO	C	04/14/1966	L/	GROUNDWATER	IRR	AJ
A57-02292	LODGE LAND & LIVESTOCK CO	C	04/14/1966	L/	GROUNDWATER	IRR	AJ
R57-02292	LODGE LAND & LIVESTOCK CO	C	04/14/1966	L/	GROUNDWATER	IRR	AJ
57-02335	LODGE, N. C.	C	01/25/1961	L/	GROUNDWATER	IRR	WR
X57-02335	LODGE LAND & LIVESTOCK INC	C	01/25/1961	L/	GROUNDWATER	IRR	WR
57-02335	LODGE LAND & LIVESTOCK CO	C	01/25/1961	L/	GROUNDWATER	IRR	AJ
A57-02335	LODGE LAND & LIVESTOCK CO	C	01/25/1961	L/	GROUNDWATER	IRR	AJ
R57-02335	LODGE LAND & LIVESTOCK CO	C	01/25/1961	L/	GROUNDWATER	IRR	AJ
*57-07045	NEDEREND DAIRY	C	12/14/1970	D/	GROUNDWATER	P DECR	WR
57-07047	LODGE LAND & LIVESTOCK INC.	C	03/01/1971	L/	GROUNDWATER	IRR STOCK	WR
X57-07047	LODGE LAND & LIVESTOCK CO	C	03/01/1971	L/	GROUNDWATER	IRR STOCK	WR
57-07047	LODGE LAND & LIVESTOCK CO	C	03/01/1971	L/	GROUNDWATER	IRR STOCK	AJ
A57-07047	LODGE LAND & LIVESTOCK CO	C	03/01/1971	L/	GROUNDWATER	IRR STOCK	AJ
R57-07047	LODGE LAND & LIVESTOCK CO	C	03/01/1971	L/	GROUNDWATER	IRR STOCK	AJ
57-10669	LODGE LAND & LIVESTOCK CO	C	07/01/1968	D/	GROUNDWATER	P DECR	AJ
A57-10669	LODGE LAND & LIVESTOCK CO	C	07/01/1968	J/	GROUNDWATER	DOMEST STOCK	AJ

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JUN 19 2000

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DEC 09 1998
DEPARTMENT OF WATER RESOURCES

DeRuyter Dairy

P. O. Box 580
Marsing, ID 83639-0580

Phone 208.896.5402
Fax 208.896.5302

December 7, 1998

TO: Kari Lynn Townsend - Idaho Dept. of Water Resources
208-327-7866

FROM: Suzanne DeRuyter
DeRuyter Dairy

RE: Change of Ownership - 57-02292, 57-02335, 57-07047, 57-10669

Finally, please find attached a copy of our title, land description, and aerial map of the property so we can transfer water rights. If you should need anything else, please contact me at the above number.

Thank you,

DERUYTER DAIRY

Suzanne
Suzanne DeRuyter

6 pages total

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JUN 19 2000