

MAY 06 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEPT. OF WATER RESOURCES
EASTERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
23-11454	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Malissa & Russell Schwendiman
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Foster Company
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- Mailing address PO Box 626 City Ririe State ID Zip 83443
208. 538. 5170 Email Vista Valley Ag@gmail.com
Telephone
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 4/19/2024
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
o \$25 per undivided water right.
o \$100 per split water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:

Signature of new owner/claimant
Boyd Foster
Print name

Title, if applicable

Date

5/4/2024

Signature:

Signature of new owner/claimant

Title, if applicable

Date

Print name

Received by

Date

5/6/24

For IDWR Office Use Only:

Receipt No.

E050042

Receipt Amt.

\$25.00 (385)Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9

Approved by

Processed by

Date

5/9/2024

AFTER RECORDING MAIL TO:

Foster Company
PO BOX 626,
Ririe, ID 83443

E-RECORDED

simplifile

ID: 1746171
County: Bonnerille
Date: 4.22.24 Time: 2:35

CORPORATE WARRANTY DEED

File No.: **1131888-RI (ss)**

Date: **April 19, 2024**

For Value Received, **Russell Schwendiman Farms, Inc., an Idaho corporation**, a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby grant, bargain, sell and convey unto **Foster Company, an Idaho general partnership**, Grantee, whose address is **PO BOX 626,, Ririe, ID 83443**, the following described real estate, to wit:

Handwritten initials: RJS

The land referred to herein is described in the Legal Description attached hereto as Exhibit A.

SUBJECT TO current years taxes, irrigation district assessments, public utility easements, subdivision and U.S. patent reservations.

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

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President & Secretary this 22nd day of April, 20 24.

Russell Schwendiman Farms, Inc., an Idaho
corporation

Foster Company

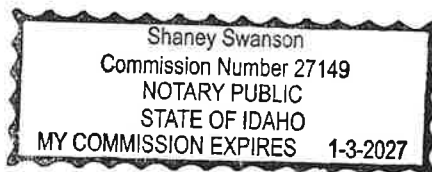
By: 
Name: Russell J. Schwendiman
Title: President

By: 
Name: Malissa Schwendiman
Title: Secretary

STATE OF Idaho)
SS.
COUNTY OF Jefferson)

On this Twenty-second day of April, 2024, before me, a Notary Public in and for said State, personally appeared **Russell J. Schwendiman**, known or identified to me to be the **President** of 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.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for the State of Idaho
Residing at: Idaho Falls, ID
My Commission Expires: 1-3-27

Exhibit "A"

Real property in the County of Bonneville, State of Idaho, described as follows:

TRACT 3:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 44 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; RUNNING THENCE N.00°46'10"W. ALONG THE SECTION LINE 1324.64 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE N.89°20'05"E. 1329.23 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, SAID POINT BEING THE TRUE POINT OF BEGINNING; RUNNING THENCE S.00°54'27"E. ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 213.16 FEET; THENCE N.88°08'26"E. ALONG AN EXISTING FENCE LINE 491.47 FEET; THENCE S.03°28'10"W. ALONG AN EXISTING FENCE LINE 16.76 FEET; THENCE S.35°13'09"W. ALONG AN EXISTING FENCE LINE 831.33 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE S.00°54'27"E. ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 431.07 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, SAID POINT BEING A POINT ON A CURVE HAVING A RADIUS OF 1314.62 FEET AND CHORD THAT BEARS S.38°44'24"E. 1681.73 FEET; THENCE TO THE LEFT ALONG SAID CURVE 1824.73 FEET THROUGH A CENTRAL ANGLE OF 79°31'41" TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE N.89°18'32"E. ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 304.09 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE N.89°18'32"E. ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 1219.72 FEET; THENCE N.41°41'42"W. ALONG THE WESTERLY BOUNDARY OF INSTRUMENT NO. 1205017 A DISTANCE OF 247.58 FEET; THENCE N.14°29'04"W. ALONG SAID INSTRUMENT NO. 78.31 FEET; THENCE N.18°44'49"E. ALONG SAID INSTRUMENT NO. 60.23 FEET; THENCE N.48°55'12"E. ALONG SAID INSTRUMENT NO. 175.17 FEET; THENCE N.86°35'01"E. ALONG SAID INSTRUMENT NO. EXTENDED A DISTANCE OF 127.40 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE N.00°57'00"W. ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 884.70 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE N.00°59'24"W. ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 824.98 FEET TO THE SOUTH LINE OF INSTRUMENT NO. 1200052; THENCE S.89°30'03"W. ALONG SAID INSTRUMENT NO. 337.72 FEET TO A POINT ON A CURVE HAVING A RADIUS OF 1322.14 FEET AND A CHORD THAT BEARS N.59°22'42"W. 809.31 FEET; THENCE TO THE LEFT ALONG SAID CURVE 822.51 FEET THROUGH A CENTRAL ANGLE OF 35°38'39" ALONG SAID INSTRUMENT NO.; THENCE N.00°39'10"E. ALONG SAID INSTRUMENT NO. EXTENDED 77.21 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE S.89°20'05"W. ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 300.06 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE S.89°20'05"W. ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 1329.22 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO: A ROADWAY ACCESS EASEMENT ALONG THE

NORTHERLY 60.00 FEET OF THE ABOVE DESCRIBED PROPERTY.

ALSO TOGETHER WITH AND SUBJECT TO: A ROADWAY ACCESS EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 44 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; RUNNING THENCE N.00°46'10"W. ALONG THE SECTION LINE 1324.64 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE N.89°20'05"E. 1329.23 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE S.00°54'27"E. 30.00 FEET TO THE CENTERLINE OF AN ACCESS EASEMENT THAT IS 60.00 FEET WIDE, SAID CENTERLINE RUNS N.89°20'05"E. 252.79 FEET; THENCE SOUTH 177.96 FEET TO THE END OF SAID EASEMENT.

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/30/2024
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 23-11454

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MALISSA SCHWENDIMAN
Current Owner	RUSSELL SCHWENDIMAN
	30 MEADOW CREEK RD
	RIRIE, ID 83443-4709
	2087097493
Original Owner	WEEKS BROTHERS
	C/O STEVE WEEKS
	PO BOX 25
	SWAN VALLEY, ID 83449
	2084833361
Security Interest	RABO AGRIFINANCE LLC
	14767 N OUTER 40 RD STE 400
	CHESTERFIELD, MO 63017-2003
	3143178000

Priority Date: 06/16/1967
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/15	1.8 CFS	381.9 AFA
Total Diversion			1.8 CFS	381.9 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWSWNE|Sec. 04|Township 01N|Range 44E|BONNEVILLE County
Place(s) of use:
Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	44E	4		SWNE	33									
				SENE	29									
				NESW	32.3									
				NWSE	33									

Total Acres: 127.3

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 10/21/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Right Locator

Find water rights in Idaho

omize

Layer List

ers

Administrative Basins

Irrigation Organizations

Surface Water PODs

Ground Water PODs

ESPA Model Outline

ESPA Model Grid

Water Districts

Surface Water POU

Ground Water POU

Consumptive Use

Headgate Requirement

POD - Applications

POD - Adjudication Claims

POD - Adjudication Recommendations

POD - Permits

POD - Water Rights

Basemap Gallery

Filter

Address or WR #

23-10126

23-10190

23-11454

23-11267

23-11268

23-10216

23-10126

23-10190

23-11454

23-11267

23-11268

23-10216

(3 of 6)

WaterRightPous: 23-11454

WaterRightNumber 23-11454

BasinNumber 23

SequenceNumber 11,454

SplitSuffix

Status Active

PriorityDate 6/16/1967 1:00 AM

DecreedDate 10/21/2004 1:00 AM

Owner RUSSELL SCHWENDIMAN

WaterUse IRRIGATION

WaterUseCode 01

TotalAcres 127.30

AcreLimit

Zoom to

AFTER RECORDING MAIL TO:

Foster Company
PO BOX 626,
Ririe, ID 83443

Instrument # 1766171

Bonneville County, Idaho Falls, Idaho

04/22/2024 02:35:48 PM No. of Pages: 4

Recorded for: FLYING S TITLE AND ESCROW-IDAHO FALLS

Penny Manning Fee: \$15.00

Ex-Officio Recorder Deputy Dwoolf1

Index to: DEED, CORPORATION WARRANTY

Attachment
2A

INSTRUMENT # 1766171

CORPORATE WARRANTY DEED

File No.: 1131888-RI (ss)

Date: April 19, 2024

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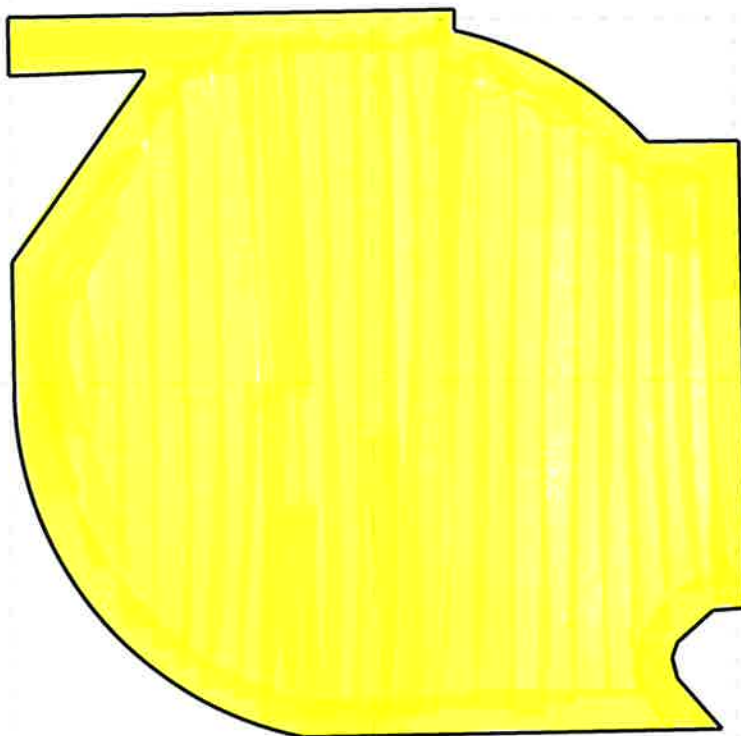
RF
LF

The land referred to herein is described in the Legal Description attached hereto as Exhibit A.

SUBJECT TO current years taxes, irrigation district assessments, public utility easements, subdivision and U.S. patent reservations.

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

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President & Secretary this 22nd day of April, 2024.



1766171 Foster Company

5/9/2024

Scale: 1 inch= 700 feet

File: 23-11454

Tract 1: 140.1233 Acres, Closure: n21.0706w 0.01 ft. (1/955085), Perimeter=10597 ft.

01 /nw,sw,4,1n,44e
02 /n00.4610w 1324.64
03 /n89.2005e 1329.23
04 s00.5427e 213.16
05 n88.0826e 491.47
06 s03.2810w 16.76
07 s35.1309w 831.33
08 s00.5427e 431.07
09 Lt, r=1314.62, delta=079.3141, arc=1824.73, chord=s38.4424e 1681.73
10 n89.1832e 304.09
11 n89.1832e 1219.72
12 n41.4142w 247.58
13 n14.2904w 78.31
14 n18.4449e 60.23

15 n48.5512e 175.17
16 n86.3501e 127.40
17 n00.5700w 884.70
18 n00.5924w 824.98
19 s89.3003w 337.72
20 Lt, r=1322.14, delta=035.3839, arc=822.51, chord=n59.2242w 809.31
21 n00.3910e 77.21
22 s89.2005w 300.06
23 s89.2005w 1329.22



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 10, 2024

FOSTER CO
PO BOX 626
RIRIE ID 83443-0626

Re: Change in Ownership for Water Right No(s): 23-11454

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Baily
Technical Records Specialist 1

Enclosure(s)

cc: RABO AGRIFINANCE LLC