

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 15 2022

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department 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?
35-7457 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-14055 J	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-14057 J	Yes ☐	Yes ☐		Yes ☐	Yes ☐
per applicant	Yes ☐	Yes ☐		Yes ☐	Yes ☐
return unprocessed.	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Russell D. Wynn
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): The Russ Wynn Living Trust, Dated August 29, 2022
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- PO Box 202 American Falls ID 83211
Mailing address City State Zip
- (208) 604-3799 _____
Telephone Email
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: 8/31/2022
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: Russ Wynn Trustee 08/29/2022
 Signature of new owner/claimant Title, if applicable Date
Russ Wynn
 Print name

Signature: _____ Title, if applicable Date
 Signature of new owner/claimant
 Print name

Received by M. Pettis Date 9-15-22 For IDWR Office Use Only: Receipt No. E048539 Receipt Amt. 75.00
 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 JB Processed by JB Date 1/10/2023
 SUPPORT DATA Partial Partial

IN FILE # 35-7475

AFTER RECORDING, PLEASE RETURN TO:

Curry D. Andrews, Attorney at Law
Estate Protection & Planning, PLLC
202 Idaho St., American Falls, ID 83211
(208) 226-5138 Office
Send Tax Statements to:
The Russ Wynn Living Trust
Attn: Russ Wynn, Trustee
PO Box 202, American Falls, ID 83211
(208) 604-3799

Instrument # 220989
POWER COUNTY, IDAHO
10-13-2022 03:46:39 PM No. of Pages: 4
Recorded for: ESTATE PROTECTION & PLANNING,
SHAREE SPRAGUE Fee: \$15.00
Ex-Officio Recorder Deputy: Chelsy Fehringer
Electronically Recorded by Simplifile

GRANTOR: Russell D. Wynn, an unmarried man
GRANTEE: Russ Wynn, Trustee of the Russ Wynn Living Trust dated August 29, 2022, and any
amendments thereto
WATER RIGHT NUMBER: 35-7457

QUIT CLAIM DEED

THE UNDERSIGNED Grantor, RUSSELL D. WYNN, for value received does hereby quit claim, grant, bargain, sell and convey to Grantee, Russ Wynn, Trustee of the Russ Wynn Living Trust dated August 29, 2022, and any amendments thereto, all of his interest in the following described water right, situated in the County of Power, State of Idaho, legally described as:

See Exhibit A

TO HAVE AND TO HOLD the said water right unto the said Grantee, its heirs and assigns forever.

DATED this 13th day of October, 2022.


RUSSELL D. WYNN

STATE OF IDAHO)
) ss.
COUNTY OF POWER)

On this day personally appeared before me RUSSELL D. WYNN, THE GRANTOR, to me known to be the individual described herein and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 13th day of October, 2022.


NOTARY PUBLIC in and for the STATE OF IDAHO,
Residing in: American Falls, Idaho
My Commission Expires: July 25, 2028



ATTACHMENT "A"
LEGAL DESCRIPTION

WATER RIGHT NUMBER: 35-7457

[IDWR Water Right Report to follow]

QUIT CLAIM DEED - 2

Water Right Report : 35-7457(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	WYNN, RUSSELL D	PO BOX 202	AMERICAN FALLS	ID	83211
Original Owner	KENT JR, GILBERT	476 POLK ST	AMERICAN FALLS	ID	83211
Security Interest	THE BANK OF COMMERCE	590 7YHEE ST	AMERICAN FALLS	ID	83211

Water Right Status

Priority Date : 11/25/1974
Basis : Decreed
Status : Active

Water Source

Source Source Qualifier Tributary Tributary Qualifier
GROUND WATER

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	07S	29E	36	0		NE	SW	POWER	
GROUND WATER	07S	29E	36	0		NE	SE	POWER	

Water Uses

Beneficial Use	From To	Diversion Rate	Volume
IRRIGATION	04/01 10/01	6.40 CFS	1280.00 AFA
TOTAL		6.40 CFS	1280.00 AFA

Places of Use

Place of Use Legal Description : IRRIGATION (POWER county)

Show 10 entries

Search:

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
07S	29E	36			SW	NE	6
07S	29E	36			SE	NE	3
07S	29E	36			NE	SW	40
07S	29E	36			NW	SW	35
07S	29E	36			SW	SW	40
07S	29E	36			SE	SW	40
07S	29E	36			NE	SE	36
07S	29E	36			NW	SE	40
07S	29E	36			SW	SE	40
07S	29E	36			SE	SE	40

Irrigation Totals

Total Acres Acre Limit

320.00

Conditions

Code Conditions

- R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
- R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 214 Prior to the diversion and use of water under Transfer approval 81886, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
- 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
- R04 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 aia per acre at the field headgate for irrigation of the lands above.
- The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than January 31, 2002.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates

Licensed Date :
Decreed Date : 1/31/2002
Permit Proof Due Date : 2/1/1978
Permit Proof Made Date : 1/1/1900
Permit Approved Date : 1/9/1975
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 120
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 4
Combined Acre Limit : 320.00
Combined Volume Limit: 1280.00
Combined Rate Limit: 6.40
CWD Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAH0 DEPARTMENT OF WATER RESOURCES

8/26/2022



ESTATE PROTECTION
& PLANNING PLLC

Curry D. Andrews
Macy M. White
Lesley N. Casner
Attorneys at Law
202 Idaho Street
American Falls, ID 83211
(208) 226-5138 Office
curryandrews@gmail.com
macymwhite.jd@gmail.com
lesleycasnerlaw@gmail.com

NOTICE OF CHANGE OF OWNERSHIP

October 13, 2022

Heritage Farms, LLC
Attn: Dirk Driscoll
2043 E Center
Pocatello ID 83201

Re: Notice of Ownership Change
Water Right No. 35-7457

Dear Dirk:

The purpose of this communication is to notify you of the following change in ownership for Water Right No. 35-7457:

Current Owner: Russell D. Wynn

New Owner: Russ Wynn, Trustee of the Russ Wynn Living Trust dated August 29, 2022, and any amendments thereto.

This water right has a place of use which may pertain in part to real property for which you are the land owner of record. Accordingly, you are being notified of the ownership change pursuant to I.C.42-248(6). A copy of this notice will be provided to the Idaho Department of Water Resources for their records.

The new water right owner can be contacted at the following address and number:

Name: Russ Wynn, Trustee
Address: PO Box 202
American Falls, ID 83211
Phone: (208) 604-3799 Russ' Cellular

My business card is enclosed for convenience. In the event you have any questions, please do not hesitate contact me.

Sincerely,

Attorney at Law

Enclosures: Business Card

Proof of Mailing

STATE OF IDAHO)
 : ss
COUNTY OF POWER)

The undersigned, being sworn, says that on October 13th, 2022, the undersigned deposited in the United States Post Office at American Falls, Idaho, copies of the foregoing notice, enclosed in sealed envelopes with first-class postage prepaid, addressed to the following persons at the following address:

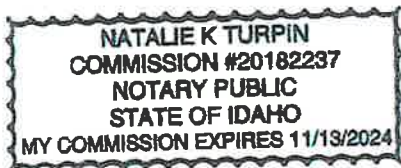
Name and Address

Heritage Farms, LLC
Attn: Dirk Driscoll
2043 E Center
Pocatello ID 83201



Signature

SUBSCRIBED AND SWORN to before me this 13th day of October, 2022.





NOTARY PUBLIC
Residing at: American Falls, Idaho 83211
My Commission Expires: 11/13/2024



ESTATE PROTECTION
& PLANNING PLLC

Curry D. Andrews
Macy M. White
Lesley N. Casner
Attorneys at Law
202 Idaho Street
American Falls, ID 83211
(208) 226-5138 Office
curryandrews@gmail.com
macymwhite.jd@gmail.com
lesleycasnerlaw@gmail.com

NOTICE OF OWNERSHIP CHANGE: REVOCABLE TRUST FUNDING
THE RUSS WYNN LIVING TRUST, DATED AUGUST 29, 2022

Details Attached to Notice of Change in Water Right Ownership Form

Water Right No.	Ownership Document Description	Additional Notes
35-7457	220818	Power County
35-14055	197444 & 21011395	Power County
35-14057	197444 & 21011395	Power County

Enclosures:

Check for \$75 (\$25 per Water Right);

Certificate of Trust and Trustee Affidavit (showing Trustee authority);

Print out from IDWR website –Reports & Water Maps (using map tool);

Ownership Documents – Instrument Nos. 220818, 197444 and 21011395

*For questions or additional information, please contact Estate Protection & Planning, PLLC.
202 Idaho Street, American Falls, ID 83211
(208) 226-5138*

Certification of Trust for the Russ Wynn Living Trust dated August 29, 2022

Pursuant to Idaho Code Ann. § 68-114, this Certification of Trust is signed by all the currently acting Trustees of the Russ Wynn Living Trust dated August 29, 2022, who declare:

1. The Grantor of the trust is Russ Wynn, also known as Russell Wynn. The trust is revocable by the Grantor.
2. The Trustee of the trust is Russ Wynn.
3. The Successor Trustees of the trust are:

Upon Incapacity or Death:

Jeffrey H. Wynn.

4. The tax identification number of the trust is the Social Security number of Russ Wynn.
5. Title to assets held in the trust will be titled as:

Russ Wynn, Trustee of the Russ Wynn Living Trust dated August 29, 2022, and any amendments thereto.
6. An alternative description will be effective to title assets in the name of the trust or to designate the trust as a beneficiary if the description includes the name of at least one initial or successor Trustee, any reference indicating that property is being held in a fiduciary capacity, and the date of the trust.
7. Excerpts from the trust document that establish the trust, designate the Trustee, and set forth the powers of the Trustee will be provided upon request. The powers of the Trustee include the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage, and deal with real and personal property interests.
8. The terms of the trust provide that a third party may rely upon this Certification of Trust as evidence of the existence of the trust and is specifically relieved of any obligation to inquire into the terms of this trust or the authority of my Trustee, or to see to the application that my Trustee makes of funds or other property received by my Trustee.
9. The trust has not been revoked, modified, or amended in any way that would cause the representations in this Certification of Trust to be incorrect.

August 29, 2022


Russ Wynn, Trustee

STATE OF IDAHO

)

) ss.

COUNTY OF POWER

)

On this day, August 29, 2022, before me Danielle Permann, a notary public, personally appeared Russ Wynn, as Trustee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within Certification of Trust, and acknowledged that he executed the same.

[Seal]




Danielle Permann, Notary Public
202 Idaho St.
American Falls, Idaho 83211
My commission expires: July 25, 2028

Trustee Affidavit

Russ Wynn, being first duly sworn upon oath, deposes and says:

1. Affiant is the Trustee of the Revocable Living Trust named below and as such has the authority to execute this Trustee Affidavit.
2. This Trustee Affidavit relates to the Russ Wynn Living Trust, dated August 29, 2022.
3. The name of the currently serving Trustee of the above-described trust is Russ Wynn.
4. Selected provisions of the trust, including the pages naming the initial Trustee, creating the trust, stating the relevant trustee powers, stating the revocability of the trust, designating successor Trustees, as well as a copy of the signature pages, may be attached to this Trustee Affidavit or are available upon request.
5. Under the terms of the trust, any person may rely upon this Trustee Affidavit as evidence of the existence of the trust and is relieved of any obligation to verify that any transaction entered into by a Trustee or successor Trustee is consistent with the terms and conditions of the trust.
6. The other provisions of the trust are of a personal nature and set forth the distribution of trust property. They do not modify the powers of the Trustee.
7. The trust has not been revoked.

Dated: August 29, 2022



Russ Wynn, Trustee

Trustee Affidavit for the Russ Wynn Living Trust

ESTATE PROTECTION & PLANNING, PLLC, 202 IDAHO ST., AMERICAN FALLS, IDAHO 83211 | (208) 226-5138

STATE OF IDAHO

)

) ss.

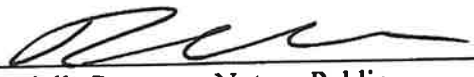
COUNTY OF POWER

)

Subscribed and sworn to (or affirmed) before me this day, August 29, 2022 by Russ Wynn, as Trustee.

[Seal]





Danielle Permann, Notary Public
202 Idaho St.
American Falls, Idaho 83211
My commission expires: July 25, 2028

Trustee Affidavit for the Russ Wynn Living Trust

ESTATE PROTECTION & PLANNING, PLLC, 202 IDAHO ST., AMERICAN FALLS, IDAHO 83211 | (208) 226-5138

Water Right Report : 35-7457(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	WYNN, RUSSELL D	PO BOX 202	AMERICAN FALLS	ID	83211
Original Owner	KENT JR, GILBERT	476 POLK ST	AMERICAN FALLS	ID	83211
Security Interest	THE BANK OF COMMERCE	590 TYHEE ST	AMERICAN FALLS	ID	83211

Water Right Status

Priority Date : 11/25/1974
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	07S	29E	36	0		NE	SW	POWER	
GROUND WATER	07S	29E	36	0		NE	SE	POWER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/01	6.40 CFS	1280.00 AFA
TOTAL			6.40 CFS	1280.00 AFA

Places of Use

Printable View Paged View

Place of Use Legal Description : IRRIGATION (POWER county)

Show 10 entries

Search:

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
07S	29E	36			SW	NE	6
07S	29E	36			SE	NE	3
07S	29E	36			NE	SW	40
07S	29E	36			NW	SW	35
07S	29E	36			SW	SW	40
07S	29E	36			SE	SW	40
07S	29E	36			NE	SE	36
07S	29E	36			NW	SE	40
07S	29E	36			SW	SE	40
07S	29E	36			SE	SE	40

Irrigation Totals

Total Acres Acre Limit

320.00

Conditions

Code Conditions

- R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
- R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 214 Prior to the diversion and use of water under Transfer approval 81886, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
- 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
- R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than January 31, 2002.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates

Licensed Date :
Decreed Date : 1/31/2002
Permit Proof Due Date : 2/1/1978
Permit Proof Made Date : 1/1/1900
Permit Approved Date : 1/9/1975
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 120
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 4
Combined Acre Limit : 320.00
Combined Volume Limit: 1280.00
Combined Rate Limit: 6.40
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

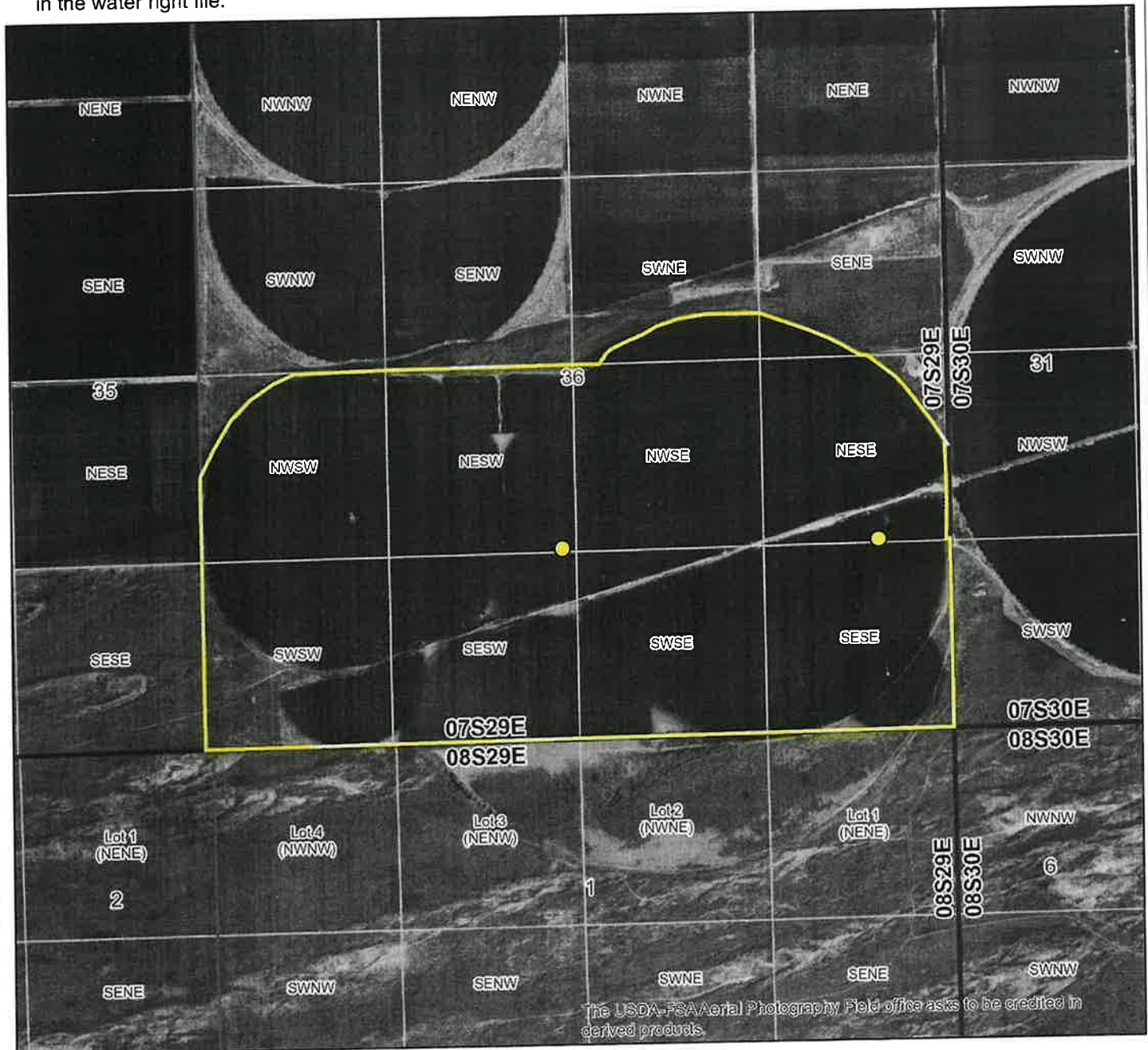
State of Idaho
Department of Water Resources

Water Right

35-7457

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



Water Right Report : 35-14055(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	WYNN, RUSSELL D	PO BOX 202	AMERICAN FALLS	ID	83211
Original Owner	THE TRAVELERS INSURANCE CO			ID	
Original Owner	TAYLOR, LYLE H	505 FAIRWAY DR	POCATELLO	ID	83201

Water Right Status

Priority Date : 12/23/1974

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	07S	30E	23	0	NE	SE	SE	POWER	
GROUND WATER	07S	30E	24	0		NW	NW	POWER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.47 CFS	93.20 AFA
TOTAL			0.47 CFS	93.20 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (POWER county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
07S	30E	23			NW	SE	25

Irrigation Totals

Total Acres	Acre Limit
25.00	23.30

Conditions

Code Conditions

RIGHT NO. 35-13076 IS ALSO DIVERTED THROUGH POINT OF DIVERSION IN T07S, R30E, S23, NESESE. RIGHT NO. 35-07789 IS ALSO DIVERTED THROUGH POINT OF DIVERSION IN T07S, R30E, S23, NWNW.

C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT WITH RIGHT 35-14057 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.47 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 100 AF.

C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

- 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.
- USE OF THIS RIGHT WITH RIGHT 35-14057 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE IRRIGATION SEASON.
- POINT OF DIVERSION IS ON THE LINE DIVIDING T07S, R30E, S24, NWSWSW AND T07S, R30E, S23, NESESE.
- E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
- K06 This right is limited to the irrigation of 23.3 acres within the place of use described above in a single irrigation season.
- K01 Right No. 35-14057 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Dates

Licensed Date :
Decreed Date : 3/8/2002
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 120
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Combined Acre Limit : 25.00
Combined Volume Limit: 100.00
Combined Rate Limit: 0.47
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

8/26/2022

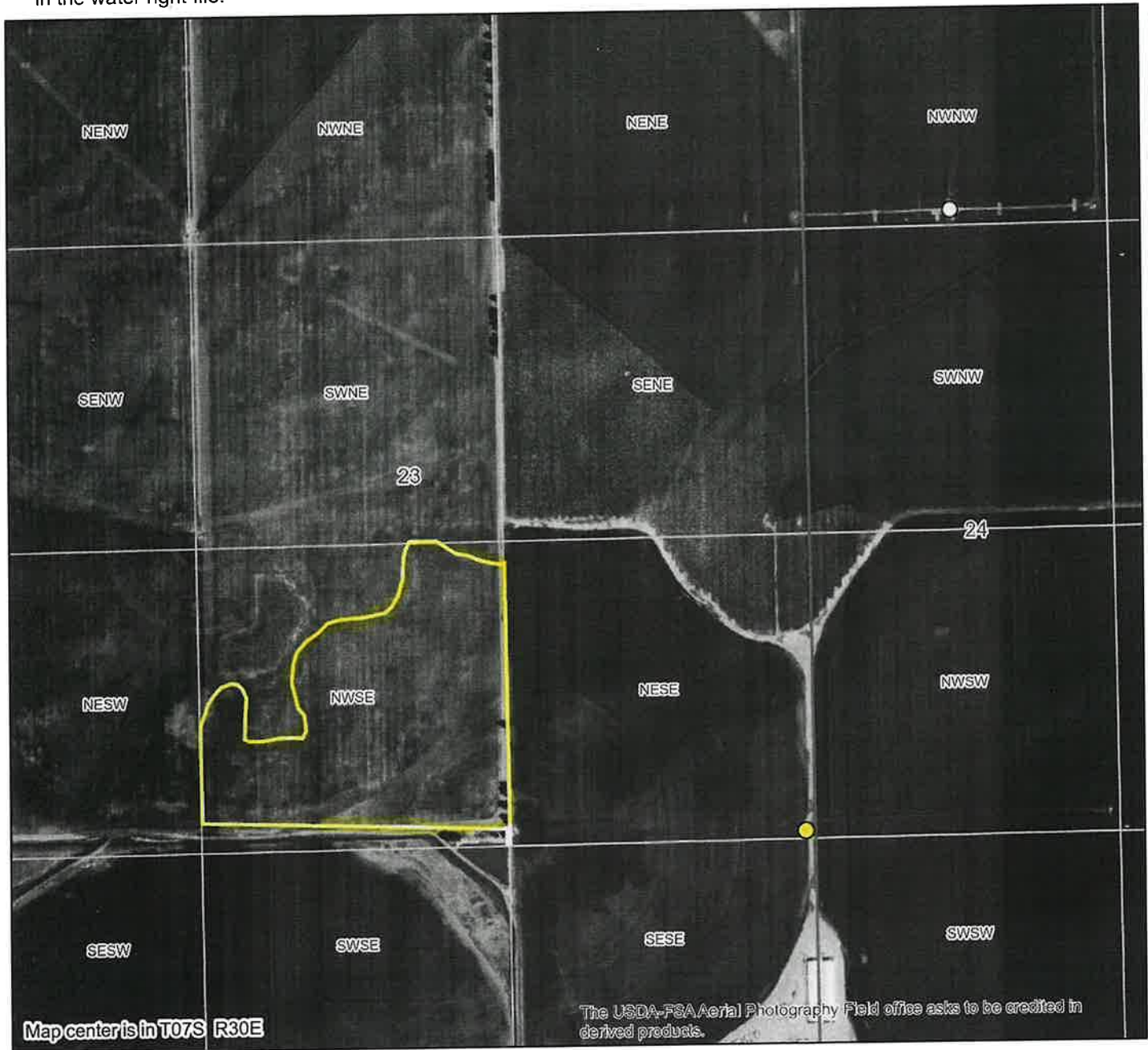
State of Idaho
Department of Water Resources

Water Right

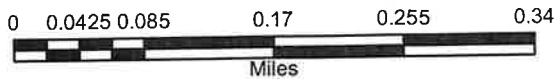
35-14055

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 8/26/2022



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



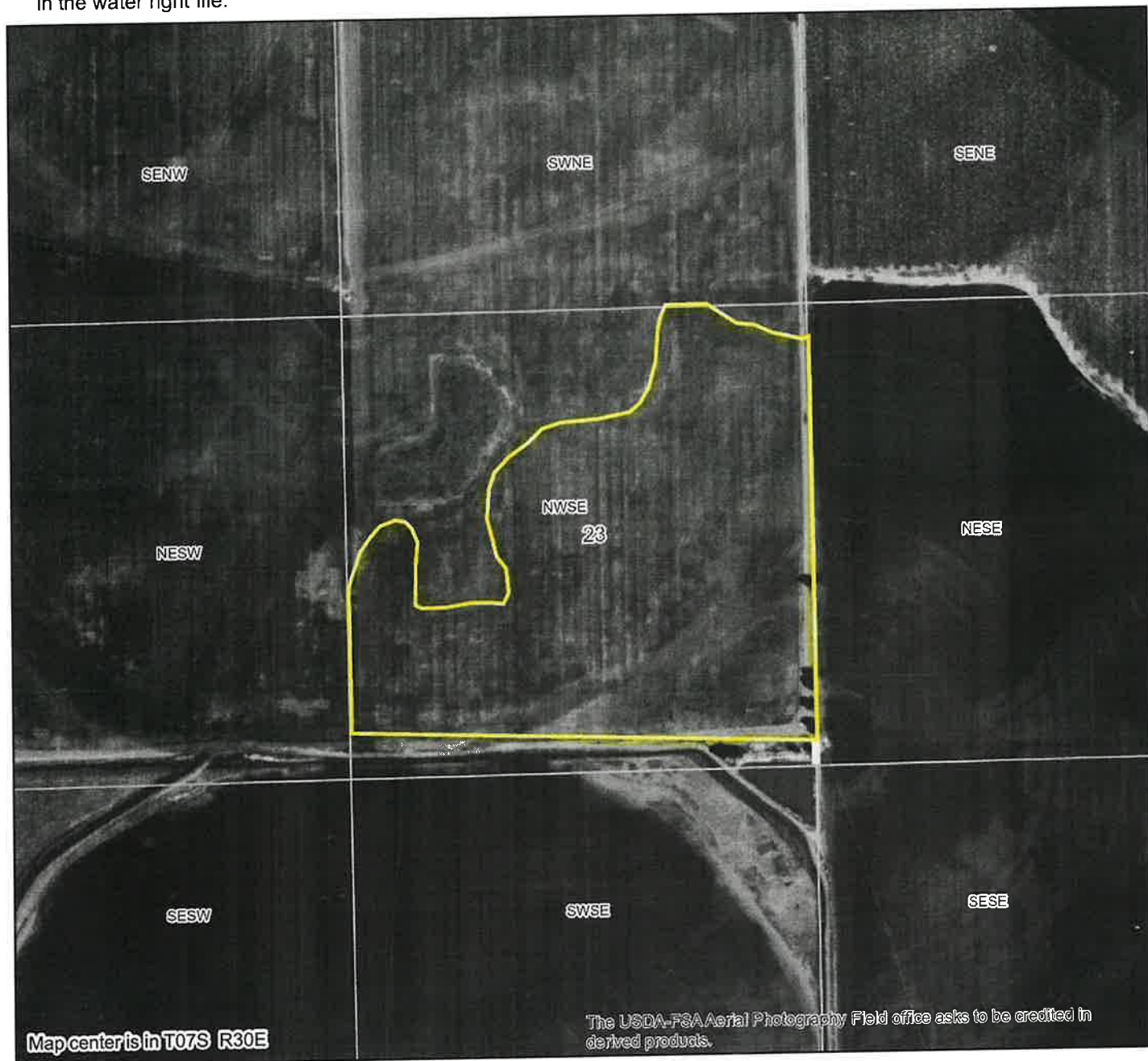
State of Idaho
Department of Water Resources

Water Right

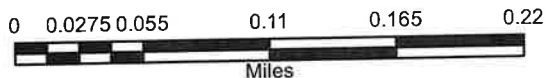
35-14055

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 8/26/2022



Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



Water Right Report : 35-14057(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	WYNN, RUSSELL D	PO BOX 202	AMERICAN FALLS	ID	83211
Original Owner	BETHKE, DAVID	3149 RAST RD	AMERICAN FALLS	ID	83211
Original Owner	BETHKE, MARLA	3149 RAST RD	AMERICAN FALLS	ID	83211

Water Right Status

Priority Date : 4/1/1980
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	07S	30E	23	0	NE	SE	SE	POWER	
GROUND WATER	07S	30E	24	0		NW	NW	POWER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.03 CFS	6.80 AFA
TOTAL			0.03 CFS	6.80 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (POWER county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
07S	30E	23			NW	SE	25

Irrigation Totals

Total Acres	Acre Limit
25.00	1.70

Conditions

Code Conditions

E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

USE OF THIS RIGHT WITH RIGHT NO. 35-14055 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 35-07462 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

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.

POINT OF DIVERSION IS ON THE LINE DIVIDING T07S, R30E, S24, NWSWSW AND T07S, R30E, S23, NESESE.

USE OF THIS RIGHT WITH RIGHT NO. 35-14055 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.47 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 100 AF.

K02 This right is based upon an enlargement of Right No. 35-14055 pursuant to Section 42-1426, Idaho Code.

K09 This right is for an enlargement of 1.7 acres within the place of use described for this right.

Dates

Licensed Date :
Decreed Date : 3/8/2002
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date : 4/12/1994
Application Received Date :
Protest Deadline Date :

Other Information

State or Federal : S
Water District Number : 120
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Combined Acre Limit : 25.00
Combined Volume Limit : 100.00
Combined Rate Limit : 0.47
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan : False

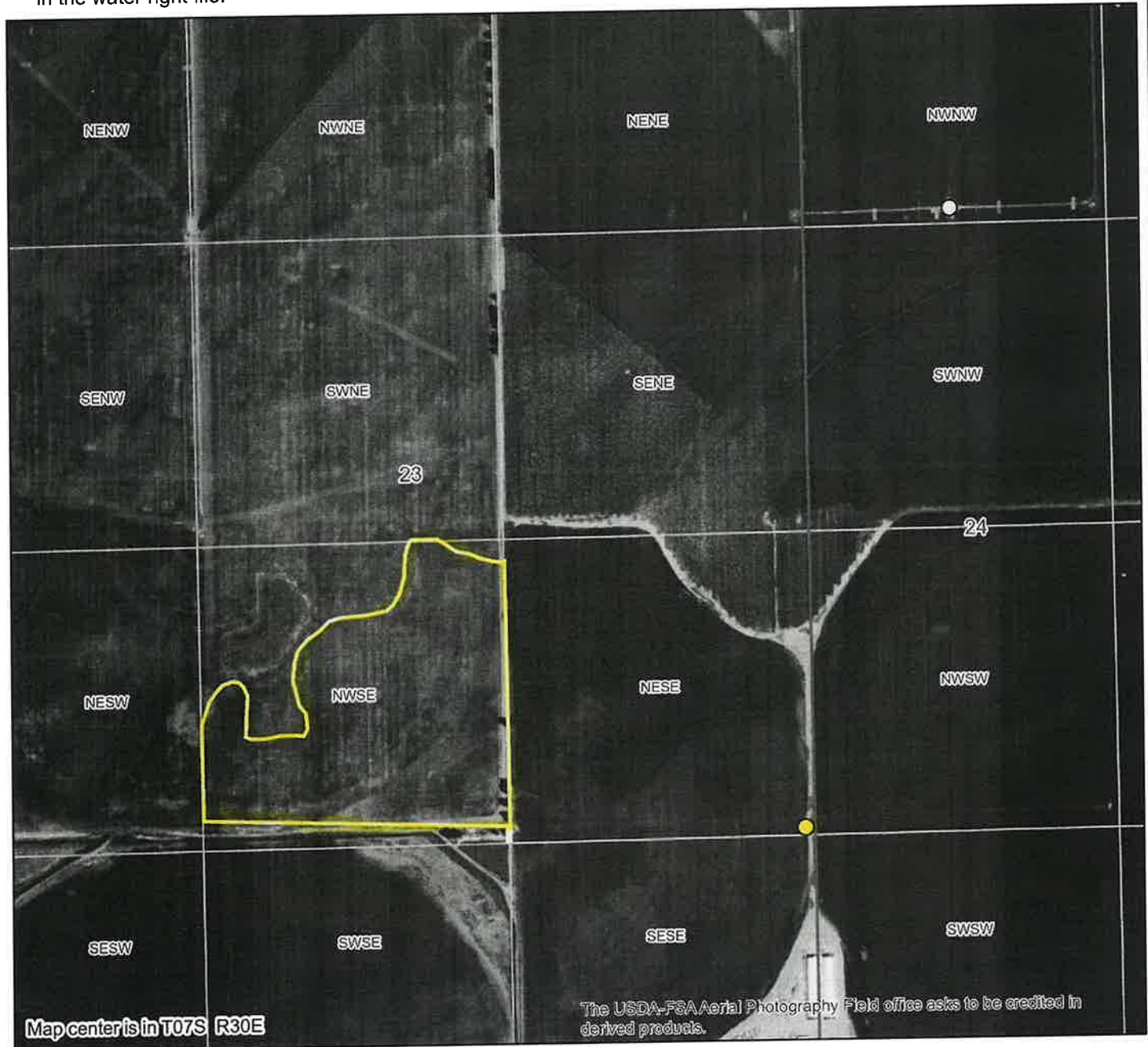
State of Idaho
Department of Water Resources

Water Right

35-14057

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 8/26/2022



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



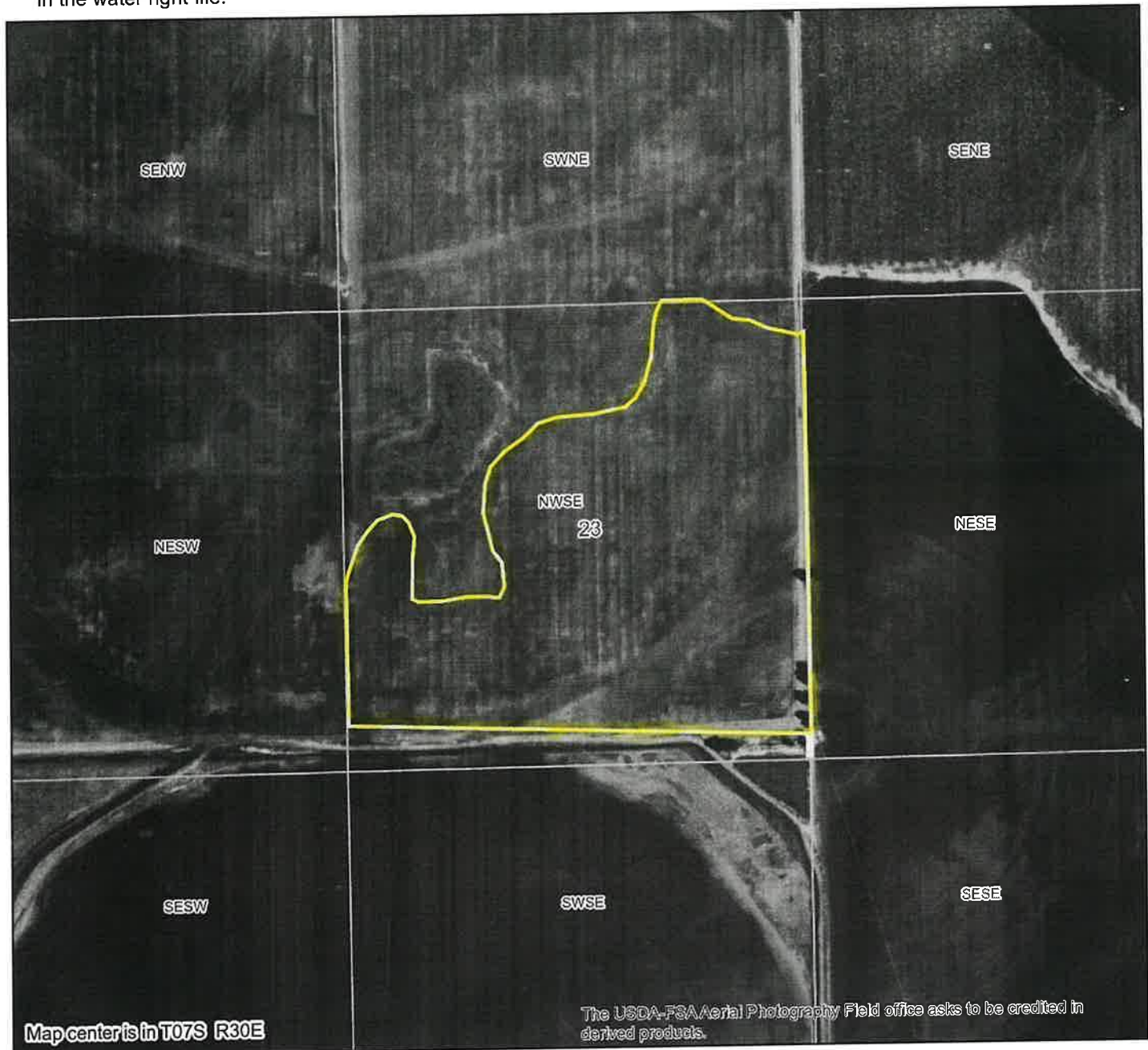
State of Idaho
Department of Water Resources

Water Right

35-14057

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 8/26/2022



Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



AFTER RECORDING, PLEASE RETURN TO:

Curry D. Andrews, Attorney at Law
Estate Protection & Planning, PLLC
202 Idaho St., American Falls, ID 83211
(208) 226-5138 Office
Send Tax Statements to:
The Russ Wynn Living Trust
Attn: Russ Wynn, Trustee
PO Box 202, American Falls, ID 83211
(208) 604-3799

Instrument # 220818

POWER COUNTY, IDAHO
08-31-2022 11:12:25 AM No. of Pages: 2
Recorded for: ESTATE PROTECTION & PLANNING,
SHAREE SPRAGUE Fee: \$15.00
Ex-Officio Recorder Deputy: Chelsy Fehringer
Electronically Recorded by Simplifile

GRANTOR: Russell D. Wynn, an unmarried man
GRANTEE: Russ Wynn, Trustee of the Russ Wynn Living Trust dated August 29, 2022, and any
amendments thereto
PARCEL NO: RPD0548-01 (S. Pleasant Valley)

WARRANTY DEED

THE UNDERSIGNED Grantor, Russell D. Wynn, grants, bargains, sells, conveys and confirms to Russ Wynn, Trustee of the Russ Wynn Living Trust dated August 29, 2022, and any amendments thereto, the following property formerly conveyed under instrument no. 168265, a Quit Claim Deed, located in Power County, Idaho, to wit:

Legal Description: SEE ATTACHMENT "A"

TOGETHER WITH ALL APPURTENANCES AND SUBJECT TO: TAXES, EASEMENTS, RESTRICTIONS, COVENANTS, ENCUMBRANCES AND ASSESSMENTS AS SHOWN OF RECORD.

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

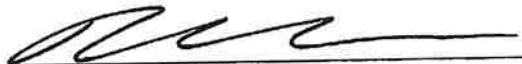
DATED this 29 day of August, 2022.


RUSSELL D. WYNN

STATE OF IDAHO)
) ss.
COUNTY OF POWER)

On this day personally appeared before me RUSSELL D. WYNN, THE GRANTOR, to me known to be the individual described herein and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 29th day of August, 2022.


NOTARY PUBLIC in and for the STATE OF IDAHO,
Residing in: American Falls, Idaho
My Commission Expires: July 25, 2028



WARRANTY DEED - 1

ATTACHMENT "A"
LEGAL DESCRIPTION

**The South One-Half (S1/2) of Section 36, Township 7 South, Range 29 E.B.M.,
together with all water rights and mineral rights appurtenant thereof.**

5-1

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 E. Center
Pocatello, ID 83201

21011395

Space Above This Line for Recorder's Use Only

CORRECTION WARRANTY DEED

**This Deed corrects and replaces Warranty Deed recorded 12/22/2009 as
Instrument number 197444.**

For Value Received, **Russell D. Wynn**, a single person, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Northern Agriculture II, LLC**, hereinafter called the Grantee, whose current address is **1803 Woodfield Drive, Suite B, Savoy, IL 61874**, the following described premises, situated in **Power County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

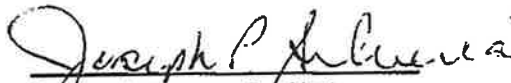
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Russell D. Wynn

BUYER: Approved and Accepted

Northern Agriculture II, LLC, a Delaware
limited liability company

By: Farmland Management Services, a
California corporation


By: Joseph P. Silveira, President

RECORDED BY 933
POWELL COUNTY, ID

FILED AT REQUEST OF
DEPUTY (M)

FIRST AMERICAN TITLE

21011395

2010 JUL -8 P 4:29

21011395

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of StanislausOn 6/10/10
Date

before me,

Emmanuel Benjamin, Notary Public
Here Insert Name and Title of the Officer

personally appeared

Joseph P. Silveira
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Correction Warranty DeedDocument Date: 6/10

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Joe Silveira☒ Corporate Officer — Title(s): President☐ Individual☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Individual☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

6-4

21011395

APN: RPD0620-00

Warranty Deed
- continuedFile No.: 283952-P (cl)
Date: 06/02/2010

EXHIBIT A

A TRACT OF LAND IN PARTS OF SECTIONS 13, 23 AND 24, TOWNSHIP 7 SOUTH, RANGE 30 EAST OF THE BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER (S¼) CORNER OF SECTION 24 WHICH IS MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S 89°59'16" W, ALONG THE SOUTH LINE OF SAID SECTION, 2519.34 FEET TO A TRACT OF LAND SHOWN ON RECORD OF SURVEY INST. NO. 179200;

THENCE N 00°00'44" W, ALONG THE EAST LINE OF SAID TRACT, 840.34 FEET TO A ½" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S 89°59'16" W, ALONG THE NORTH LINE OF SAID TRACT, 200.00 FEET TO A ½" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S 00°00'44" E, ALONG THE WEST LINE OF SAID TRACT, 36.72 FEET TO A ½" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE FROM A TANGENT BEARING S 24°03'12" W, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1306.16 FEET, THROUGH A CENTRAL ANGLE OF 45°09'38", FOR AN ARC LENGTH OF 1029.52 FEET, HAVING A CHORD BEARING AND DISTANCE OF S 46°38'02" W, 1003.07 FEET TO A ½" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S 00°00'29" E, 114.95 FEET TO A POINT ON THE SOUTH LINE OF SECTION 23, SAID POINT BEING THE SOUTHWEST CORNER OF SAID TRACT AND S 89°59'31" W, 810.57 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 23;

THENCE S 89°59'31" W, ALONG THE SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 508.66 FEET TO THE SOUTHWEST CORNER OF THE SE¼SE¼ OF SAID SECTION, SAID POINT BEING MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N 00°02'25" W, LEAVING SAID SOUTH LINE AND ALONG THE EAST ONE-SIXTEENTH (E1/16) LINE OF SAID SECTION 23, A DISTANCE OF 5277.56 FEET TO THE NORTHWEST CORNER OF THE NE¼NE¼ OF SAID SECTION 23, SAID POINT BEING MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N 89°56'16" E, ALONG THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 1319.76 FEET TO THE SECTION CORNER COMMON TO SECTIONS 13, 14, 23 AND 24, SAID POINT BEING MARKED WITH A 5/8" REBAR AND ALUMINUM CAP STAMPED PLS 843;

THENCE N 00°15'45" E, ALONG THE WEST LINE OF SECTION 13, A DISTANCE OF 1319.70 FEET TO THE NORTHWEST CORNER OF THE SW¼SW¼ OF SAID SECTION, SAID POINT BEING MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S 89°57'49" E, LEAVING SAID WEST LINE AND ALONG THE NORTH LINE OF SAID SW¼SW¼, A DISTANCE OF 1319.04 FEET TO THE SOUTHWEST ONE-SIXTEENTH (SW1/16) CORNER, SAID POINT BEING MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N 00°18'09" E, ALONG THE WEST LINE OF THE NE¼SW¼, A DISTANCE OF 1321.16 FEET TO THE NORTHWEST CORNER OF SAID NE¼SW¼, SAID POINT BEING MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N 89°58'24" E, ALONG THE NORTH LINE OF SAID NE¼SW¼ (ALSO THE EAST-WEST CENTER LINE) OF SAID SECTION 1319.98 FEET TO THE NORTHEAST CORNER OF SAID NE¼SW¼ (C¼ CORNER);

THENCE S 00°02'33" W, ALONG SAID NORTH-SOUTH CENTERLINE OF SAID SECTION, 2645.25 FEET TO THE SOUTHEAST CORNER OF SAID SE¼SW¼ (S¼ CORNER) OF SAID SECTION 13;

THENCE N 89°54'01" W, LEAVING SAID NORTH-SOUTH CENTERLINE, 36.15 FEET TO A POINT OF INTERSECTION WITH THE W'LY RIGHT OF WAY LINE OF STATE HIGHWAY 39;

THENCE S 00°07'07" W, ALONG SAID RIGHT-OF-WAY LINE, 4007.80 TO A ½" REBAR AND PLASTIC CAP STAMPED PLS 843 AT 50' LT OF CENTERLINE STA. P.T. 104+06.0;

5-5

21011395

APH: RPD0620-00

Warranty Deed
- continued

File No.: 285953-P (d)
Date: 06/02/2010

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, ALONG A SPIRAL CURVE TO THE LEFT, 50 FEET W'LY OF CENTERLINE SPIRAL CURVE WITH A RATE OF CHANGE OF 5/6, WITH A LENGTH OF 360.00 FEET, AND A SPIRAL ANGLE OF 5°24' TO THE P.C.S. AT 50' LT OF CENTERLINE STA. 100+46.0, WITH A CHORD BEARING AND DISTANCE ALONG THE W'LY RIGHT-OF-WAY LINE OF S 01°20'55" E, 365.17 FEET;

THENCE FROM A TANGENT BEARING OF S 05°16'53" E, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1959.86 FEET, THROUGH A CENTRAL ANGLE OF 07°30'38", FOR AN ARC LENGTH OF 256.90 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S 09°02'12" E, 256.72 FEET TO THE POINT OF INTERSECTION OF SAID W'LY RIGHT-OF-WAY LINE AT 50' LT. OF CENTERLINE STATION 97+95.65 AND THE NORTH-SOUTH CENTERLINE OF SECTION 24;

THENCE S 00°03'18" E, ALONG SAID NORTH-SOUTH CENTERLINE, 647.32 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR THE WEST SIDE OF STATE HIGHWAY 39 IN SAID SECTION 13 AS SHOWN ON FAP SDS-1721(4) AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE C¼ CORNER OF SAID SECTION 13; THENCE S 00°20'33" W, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, 2645.25 FEET TO THE ¼ CORNER COMMON TO SECTIONS 13 AND 24;

THENCE N 89°54'01" W, LEAVING SAID NORTH-SOUTH CENTERLINE, 36.15 FEET TO A POINT ON THE W'LY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 39;

THENCE N 00°07'07" E, ALONG SAID RIGHT-OF-WAY LINE, 13.00 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT AT STA. 144+27.25;

THENCE N 89°55'46" W, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, 150.00 FEET TO A ½" REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N 00°07'07" E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, 2631.86 FEET TO A POINT ON THE NORTH LINE OF THE NE¼SW¼ OF SAID SECTION 13;

THENCE N 89°58'24" E, ALONG SAID NORTH LINE, 196.52 FEET TO THE TRUE POINT OF BEGINNING.

ALSO SUBJECT TO ALL OTHER EASEMENTS OF RECORD AND EASEMENTS FOR COUNTY ROAD PURPOSES WHERE SUCH ROADS CROSS THE ABOVE DESCRIBED TRACT.



ERO

ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: (208) 373-7985

Power 39 Property
Power County, Idaho

0 500 1,000
Feet

Legend

- Wells
- ▨ 35-7789
- ▧ 35-7788B
- ▭ 35-7462 & 35-13076
- Power 39 Property



Figure 1
Location & Ground Water Rights
of the Power 39 Property

Prepared for:
Farmland Management Services
File: C:\Hannula\HAIG
Date: July 13, 2010

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 E. Center
Pocatello, ID 83201

Instrument # 197444

POWER COUNTY, IDAHO
12-22-2009 11:09:09 am No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE - POCATELLO OI
CHRISTINE STEINLIGHT Fee: \$12.00
Ex-Officio Recorder Deputy: Jennifer J Rupp
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **285953-P (ci)**

Date: **December 07, 2009**

*a single person

For Value Received, **Russell D. Wynn***hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Northern Agriculture II, LLC**, hereinafter called the Grantee, whose current address is **1803 Woodfield Drive, Suite B, Savoy, IL 61874**

Savoy, IL 61874

Savoy, IL 61874, the following described premises, situated in **Power** County, **Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the 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 except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Russell D. Wynn

STATE OF Idaho)

ss.

COUNTY OF Bannock)

On this 21st day of December, 2009, before me, a Notary Public in and for said State, personally appeared **Russell D. Wynn**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

CRYSTAL IVERSON
NOTARY PUBLIC
STATE OF IDAHO



Notary Public for the State of Idaho

Residing at: Pocatello, ID

My Commission Expires: 4/23/10

EXHIBIT A

A TRACT OF LAND IN PARTS OF SECTIONS 13, 23 AND 24, TOWNSHIP 7 SOUTH, RANGE 30 EAST OF THE BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER ($S\frac{1}{4}$) CORNER OF SECTION 24 WHICH IS MARKED WITH A $\frac{5}{8}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S $89^{\circ}59'16''$ W, ALONG THE SOUTH LINE OF SAID SECTION, 2519.34 FEET TO A TRACT OF LAND SHOWN ON RECORD OF SURVEY INST. NO. 179200;

THENCE N $00^{\circ}00'44''$ W, ALONG THE EAST LINE OF SAID TRACT, 840.34 FEET TO A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S $89^{\circ}59'16''$ W, ALONG THE NORTH LINE OF SAID TRACT, 200.00 FEET TO A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S $00^{\circ}00'44''$ E, ALONG THE WEST LINE OF SAID TRACT, 36.72 FEET TO A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE FROM A TANGENT BEARING S $24^{\circ}03'12''$ W, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1306.16 FEET, THROUGH A CENTRAL ANGLE OF $45^{\circ}09'38''$, FOR AN ARC LENGTH OF 1029.52 FEET, HAVING A CHORD BEARING AND DISTANCE OF S $46^{\circ}38'02''$ W, 1003.07 FEET TO A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S $00^{\circ}00'29''$ E, 114.95 FEET TO A POINT ON THE SOUTH LINE OF SECTION 23, SAID POINT BEING THE SOUTHWEST CORNER OF SAID TRACT AND S $89^{\circ}59'31''$ W, 810.57 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 23;

THENCE S $89^{\circ}59'31''$ W, ALONG THE SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 508.66 FEET TO THE SOUTHWEST CORNER OF THE $SE\frac{1}{4}SE\frac{1}{4}$ OF SAID SECTION, SAID POINT BEING MARKED WITH A $\frac{5}{8}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N $00^{\circ}02'25''$ W, LEAVING SAID SOUTH LINE AND ALONG THE EAST ONE-SIXTEENTH ($E\frac{1}{16}$) LINE OF SAID SECTION 23, A DISTANCE OF 5277.56 FEET TO THE NORTHWEST CORNER OF THE $NE\frac{1}{4}NE\frac{1}{4}$ OF SAID SECTION 23, SAID POINT BEING MARKED WITH A $\frac{5}{8}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N $89^{\circ}56'16''$ E, ALONG THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 1319.76 FEET TO THE SECTION CORNER COMMON TO SECTIONS 13, 14, 23 AND 24, SAID POINT BEING MARKED WITH A $\frac{5}{8}$ " REBAR AND ALUMINUM CAP STAMPED PLS 843;

THENCE N $00^{\circ}15'45''$ E, ALONG THE WEST LINE OF SECTION 13, A DISTANCE OF 1319.70 FEET TO THE NORTHWEST CORNER OF THE $SW\frac{1}{4}SW\frac{1}{4}$ OF SAID SECTION, SAID POINT BEING MARKED WITH A $\frac{5}{8}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE S $89^{\circ}57'49''$ E, LEAVING SAID WEST LINE AND ALONG THE NORTH LINE OF SAID $SW\frac{1}{4}SW\frac{1}{4}$, A DISTANCE OF 1319.04 FEET TO THE SOUTHWEST ONE-SIXTEENTH ($SW\frac{1}{16}$) CORNER, SAID POINT BEING MARKED WITH A $\frac{5}{8}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N $00^{\circ}18'09''$ E, ALONG THE WEST LINE OF THE $NE\frac{1}{4}SW\frac{1}{4}$, A DISTANCE OF 1321.16 FEET TO THE NORTHWEST CORNER OF SAID $NE\frac{1}{4}SW\frac{1}{4}$, SAID POINT BEING MARKED WITH A $\frac{5}{8}$ " REBAR AND PLASTIC CAP STAMPED PLS 843;

THENCE N $89^{\circ}58'24''$ E, ALONG THE NORTH LINE OF SAID $NE\frac{1}{4}SW\frac{1}{4}$ (ALSO THE EAST-WEST CENTER LINE) OF SAID SECTION 1123.46 FEET TO A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843 AT THE INTERSECTION OF SAID NORTH LINE WITH THE W'LY RIGHT-OF-WAY LINE

OF STATE HIGHWAY 39 AS SHOWN ON FAP SDS-1721(4);

THENCE S 00°07'07" W, ALONG SAID RIGHT-OF-WAY LINE, 2631.86 FEET TO A ½" REBAR AND PLASTIC CAP AT STA. 144+27.25, A DISTANCE OF 200.00 FEET FROM THE CENTER LINE OF SAID STATE HIGHWAY 39, PER SAID FAP;

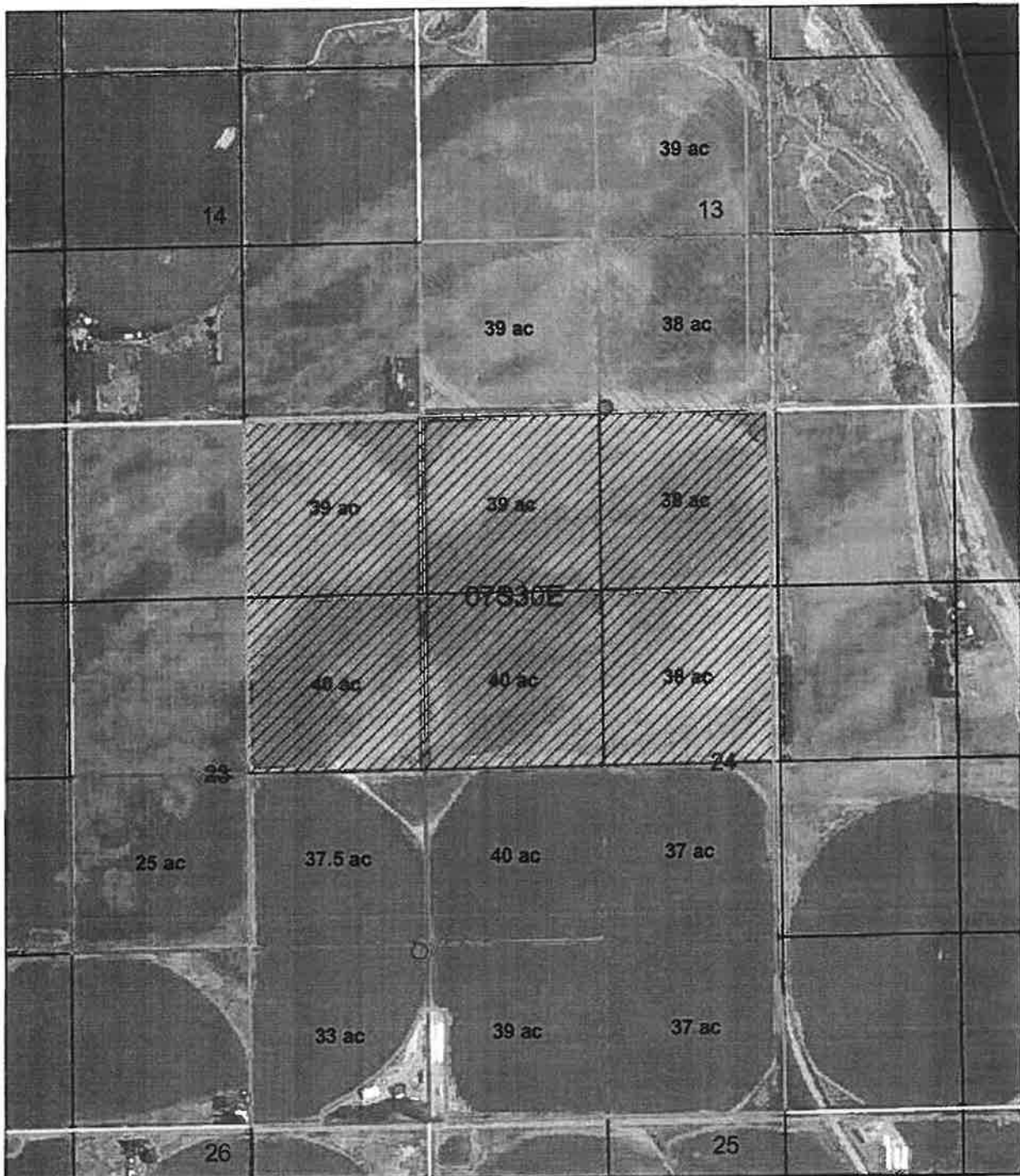
THENCE S 89°55'46" E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, 150.00 FEET TO AN ITD RIGHT-OF-WAY MONUMENT MARKED 50' LT. OF CENTER LINE STA. 144+27.25;

THENCE S 00°07'07" W, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, 4020.80 TO A ½" REBAR AND PLASTIC CAP AT 50' LT OF CENTERLINE STA. P.T. 104+06.0;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, ALONG A SPIRAL CURVE TO THE LEFT, 50 FEET W'LY OF CENTERLINE SPIRAL CURVE WITH A RATE OF CHANGE OF 5/6, WITH A LENGTH OF 360.00 FEET, AND A SPIRAL ANGLE OF 5°24' TO THE P.C.S. AT 50' LT OF CENTERLINE STA. 100+46.0, WITH A CHORD BEARING AND DISTANCE ALONG THE W'LY RIGHT-OF-WAY LINE OF S 01°20'55" E, 365.17 FEET, ACROSS THE ABOVE DESCRIBED PROPERTY;

THENCE FROM A TANGENT BEARING OF S 05°16'53" E, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1959.86 FEET, THROUGH A CENTRAL ANGLE OF 07°30'38", FOR AN ARC LENGTH OF 256.90 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S 09°02'12" E, 256.72 FEET TO THE POINT OF INTERSECTION OF SAID W'LY RIGHT-OF-WAY LINE AT 50' LT. OF CENTERLINE STATION 97+95.65 AND THE NORTH-SOUTH CENTERLINE OF SECTION 24;

THENCE S 00°03'18" E, ALONG SAID NORTH-SOUTH CENTERLINE, 647.32 FEET TO THE TRUE POINT OF BEGINNING.



ERO

ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: (208) 373-7985

Power 39 Property
Power County, Idaho

0 500 1,000
Feet

Legend

- Wells
- 35-7789
- 35-7788B
- 35-7462 & 35-13076
- Power 39 Property



Figure 1
Location & Ground Water Rights
of the Power 39 Property

Prepared for:
Farmland Management Services
File: C:\Hannula\HAIG
Date: January 4, 2010



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 Gary Spackman

January 10, 2023

RUSS WYNN LIVING TRUST
PO BOX 202
AMERICAN FLS ID 83211-0202

Re: Change in Ownership for Water Right No(s): 35-7457, 35-14056, 35-14058, 35-14055, 35-14057

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.

As per your request we completed 35-7457 and are returning the other water rights unprocessed. The department has initiated a refund and should arrive from the state office in a couple of weeks.

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 Barg
Technical Records Specialist 1

Enclosure(s)

cc: THE BANK OF COMMERCE
WATER DISTRICT 120
ABERDEEN AMERICAN FALLS GROUND WATER DISTRICT

Barg, Jonie

From: Barg, Jonie
Sent: Tuesday, January 10, 2023 3:56 PM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt(1).PDF

Good afternoon!

I have a refund request as follows:

Receipt number: E048539
Amount: \$50.00
Payable to: CURRY D ANDREWS ESTATE PROTECTION AND PLANNING
202 IDAHO ST
AMERICAN FALLS ID 83211

Reason: Ownership Change filed for 3 water rights. Additional information requested, the applicant supplied sufficient evidence for 1 and requested we return the others unprocessed. Therefore, the application is being returned partially unprocessed, and the applicant is entitled to a partial refund.

Let me know if you have any questions or need additional information. Have a great day!!!



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Barg | Technical Records Specialist

900 N Skyline Drive Ste. A, Idaho Falls, ID 83402

Phone number: (208) 525-7161

Fax number: (208) 525-7177

Email: jonie.barg@idwr.idaho.gov

Website: www.idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

November 30, 2022

****2nd Request****

RUSS WYNN LIVING TRUST
PO BOX 202
AMERICAN FALLS ID 83211

RE: Change in Ownership Water Right No. 35-7457, 35-14055, 35-14057, 35-14056, 35-14058

Dear Sir/Madam:

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:

**** **Additional Evidence of Ownership/Additional Filing Fees:** Please review the maps attached. According to the information received Northern Agricultural II is the owner of water rights 35-14056 and 35-14058, the deed used to update ownership in 2010 was the same deed submitted for Northern Agricultural II. According to the taxlot data water right numbers 35-14055 and 35-14057 are on property owned by David Bethke. For the department to update ownership additional evidence of ownership is required, indicating you own the water right and/or property. If you do not own the property notice to the property owner is required. Also, water right number 35-7457 is partially on the property owned by Heritage Farms LLC. If a split is required an additional filing fee is required, if a split is not required notice to the property owner is required. According to Idaho Code if an ownership change is being filed for a water right on someone else's property the applicant is required to give notice to the property owner. *Idaho Code 248-42(6) If the person filing the notice of a change of water right ownership does not own the land identified as the place of use for the water right, the notice shall be accompanied by evidence that written notice of the change of water right ownership has been mailed or hand-delivered to the landowner of record, as identified in the records of the county recorder.*

Please note the department acknowledges you have responded to this letter, this is a reminder that the information discussed on October 11, 2022, has not yet been received.

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

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,

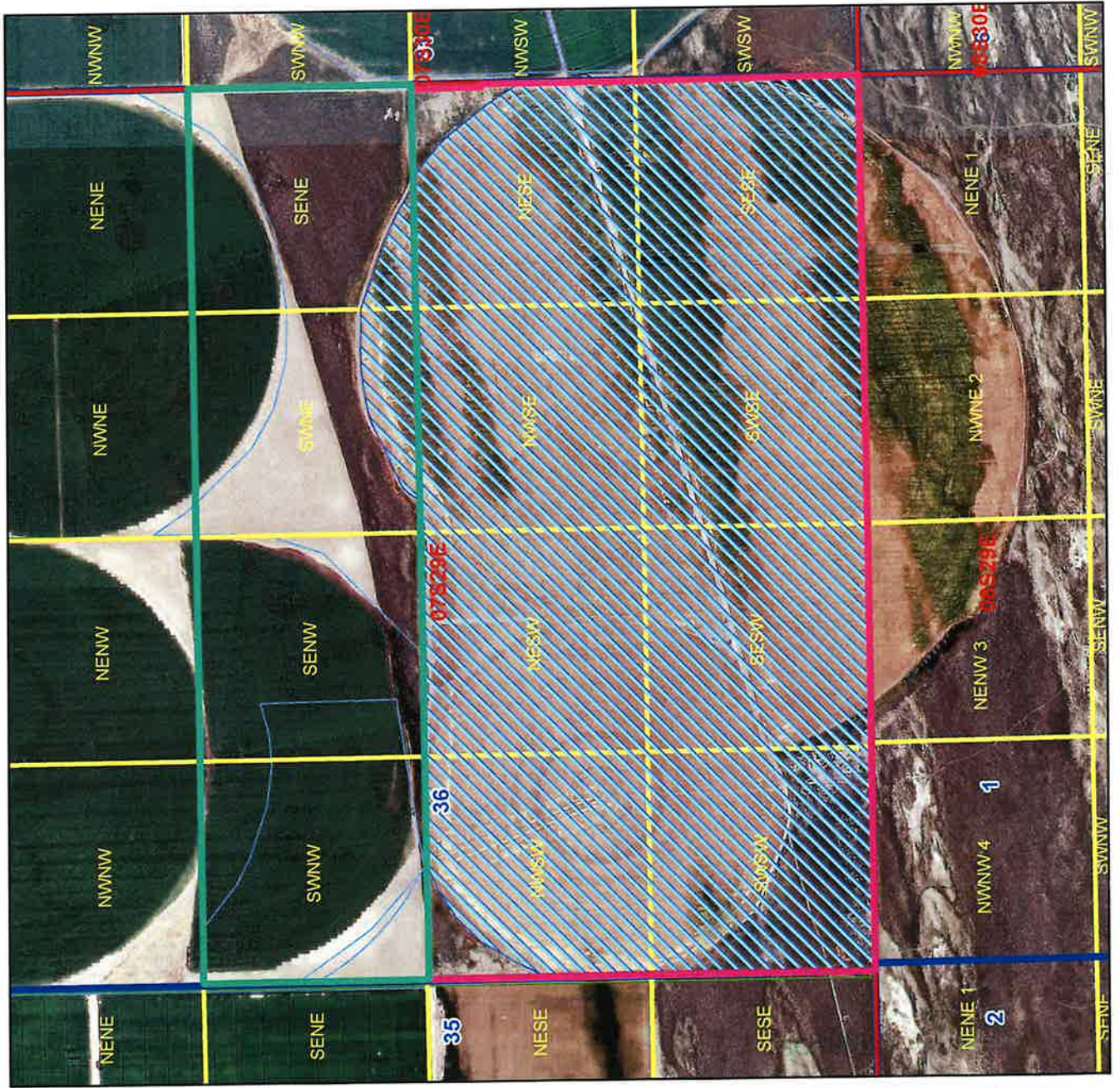
Jonie Barg
Technical Records Specialist

Enclosure(s)

SCANNED

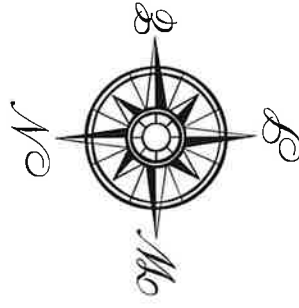
DEC 05 2022

Idaho Department of Water Resources



Legend

- Heritage Farms LLC
- Russ Wynn Living Trust
- POU 35-7457
- Township/Range
- Sections
- QQ
- Water Right POU
- Parcels



Layout Created By:
Jonie Barg

DEC 05 2022 SEP 19 2022

Idaho Department of Water Resources



Legend

POU 35-14055 and 35-14057 Norther Agriculture II

POU 35-14055 and 35-14057

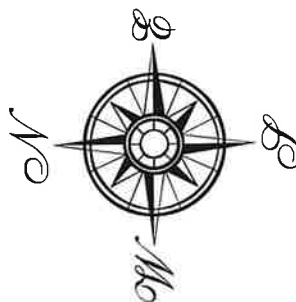
Township/Range

Sections

gg

Water Right POU

Parcels



Layout Created By:
Jonie Barg

DEC 05 2022

Barg, Jonie

From: Danielle Permann <estateprotection.permann@gmail.com>
Sent: Friday, October 14, 2022 12:44 PM
To: Barg, Jonie; Curry Andrews
Subject: WR: 35-7457 (Wynn)
Attachments: 20221014.Email to Jonie.IDWR.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Jonie,

Attached are the following documents together as one pdf scan:

- 1. A copy of the recorded QCD, Instrument No. 220989, *quit claiming the WR from Russ Wynn into the trust; and***
- 2. A copy of the notification letter we sent to Heritage Farms, LLC. on 10-13-22.**

Please let me know if anything else is required. My best to you and your sweet baby.

--

Danielle Permann, Legal Secretary
Estate Protection & Planning, PLLC.
202 Idaho St. American Falls, ID 83211
(208) 226-5138 Idaho Office
(801) 960-3830 Utah Office

******Confidentiality Notice******

This e-mail and any attachments to it may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

September 16, 2022

RUSS WYNN LIVING TRUST
PO BOX 202
AMERICAN FALLS ID 83211

RE: Change in Ownership Water Right No. 35-7457, 35-14055, 35-14057, 35-14056, 35-14058

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

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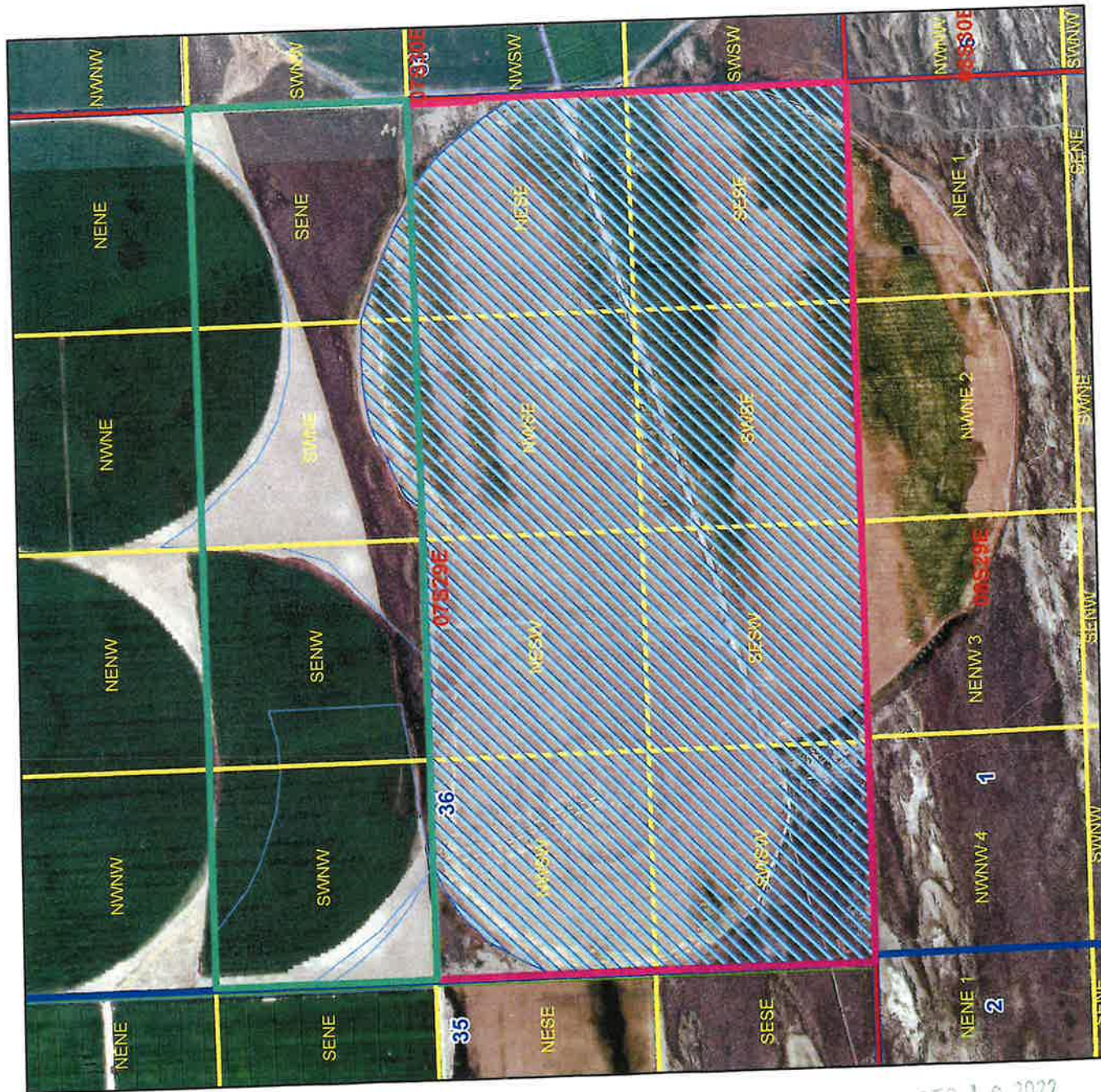
Jonie Barg
Technical Records Specialist

Enclosure(s)

SCANNED

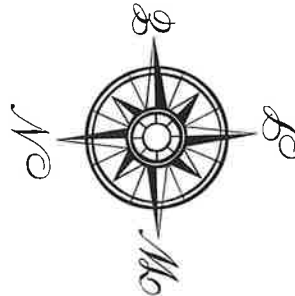
SEP 19 2022

Idaho Department of Water Resources



Legend

-  Heritage Farms LLC
-  Russ Wynn Living Trust
-  POU 35-7457
-  Township/Range
-  Sections
-  QQ
-  Water Right POU
-  Parcels



Layout Created By:
Jonie Barg

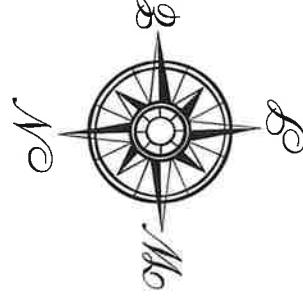
SEP 19 2022

Idaho Department of Water Resources



Legend

- POU 35-14055 and 35-14057 Northern Agriculture II
- POU 35-14055 and 35-14057
- Township/Range
- Sections
- QQ
- Water Right POU
- Parcels



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Jonie Barg