

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____
RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AUG 11 2022

An application for transfer must be prepared in accordance with the minimum requirements listed below. The Department of Water Resources Eastern Region forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Gardner Farms, an Idaho general partnership

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes: see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Narrative attached

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Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 11 2022

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Eastern Region

Name of Applicant(s) Gardner Farms, an Idaho general partnership Phone 208-604-2292
 Mailing address 589 North 150 West Blackfoot ID 83221 Email doug@dc-farms.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**. *Notice of ownership change being submitted with this application to update records; see narrative*
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Richard Brown Phone 208-206-5045
 Mailing address 2002 Jennie Lee Drive Idaho Falls ID 83404 Email richard.brown@alphafarmland.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

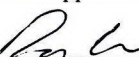
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant or Authorized Representative

Douglas Case, Member of D Case LLC
 Print Name and Title if applicable

8-9-22
 Date


 Signature of Applicant or Authorized Representative

David Cooper, Member of D Cooper LLC
 Print Name and Title if applicable

8-9-22
 Date

D Case LLC and D Cooper LLC are both partners in Gardner Farms

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

See attached

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-2765	0.95 cfs	irrigation	5/15 to 9/15	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.95 cfs and/or 224 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.073 cubic feet per second and/or 17.2 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	34E	2													21.3				21.3
1S	34E	2																34.7	34.7
Total Acres (for irrigation use)																			56

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

See maps in narrative - diversion system is self explanatory and is not changing: one existing groundwater well and pivot.

- b. Who owns the property at the point(s) of diversion? **Gardner Farms (applicant)**

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

See attached narrative: the place of use will be corrected to reflect how it should have been described following previous transfers.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

N.A.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/4/2022

Water Right 35-2765

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	D COOPER LLC 578 N 100 W BLACKFOOT, ID 83221-5714
Current Owner	D CASE LLC 198 W 500 N BLACKFOOT, ID 83221-5736

Priority Date: 3/9/1965

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/15	9/15	0.950 CFS	224.0 AF
	<u>Total Diversion</u>		0.950 CFS	224.0 AF

Source and Point(s) of Diversion:

GROUND WATER NWSWSW Sec. 1, Twp 01S, Rge 34E, BINGHAM County

Place Of Use:

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	34E	2													17.0			39.0	56.0

POU Total Acres: 56.0

Conditions of Approval:

1. S38 The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 15 and after September 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. C05 Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
3. 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. Idaho Code § 42-1412(6).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 35-2765 Note that only 4.3 acres of the POU is being changed in this transfer. This page shows those 4.3 acres/0.073 CFS as currently described before the change

1. amount 0.073 CFS (cfs/ac-ft) for Irrigation purposes from 5/15 to 9/15
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Attachment 1A. 3

Narrative for Transfer Application for 35-2765

Notice of change of ownership being filed simultaneously

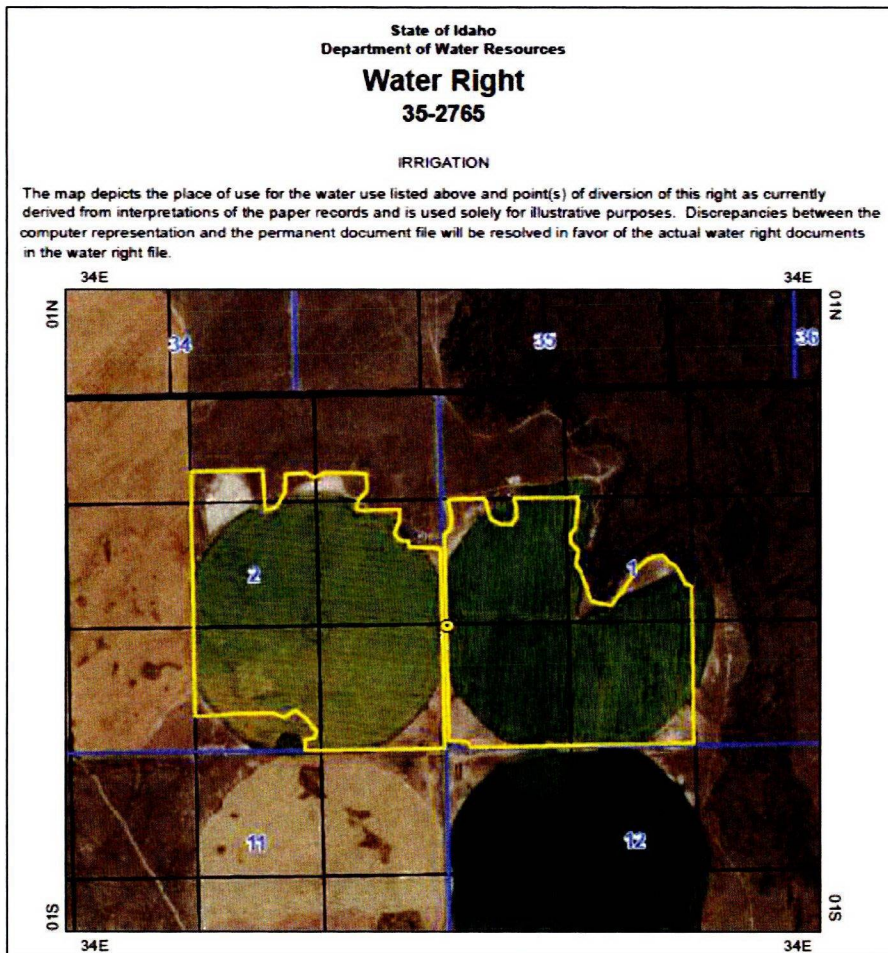
IDWR records currently show the owner of 35-2765 as D Case LLC and D Cooper LLC. A notice of change in ownership is being submitted to update ownership to to Gardner Farms as of April 2022. Note that Gardner Farms and D Case LLC and D Cooper LLC are related entities.

Narrative for Transfer Application

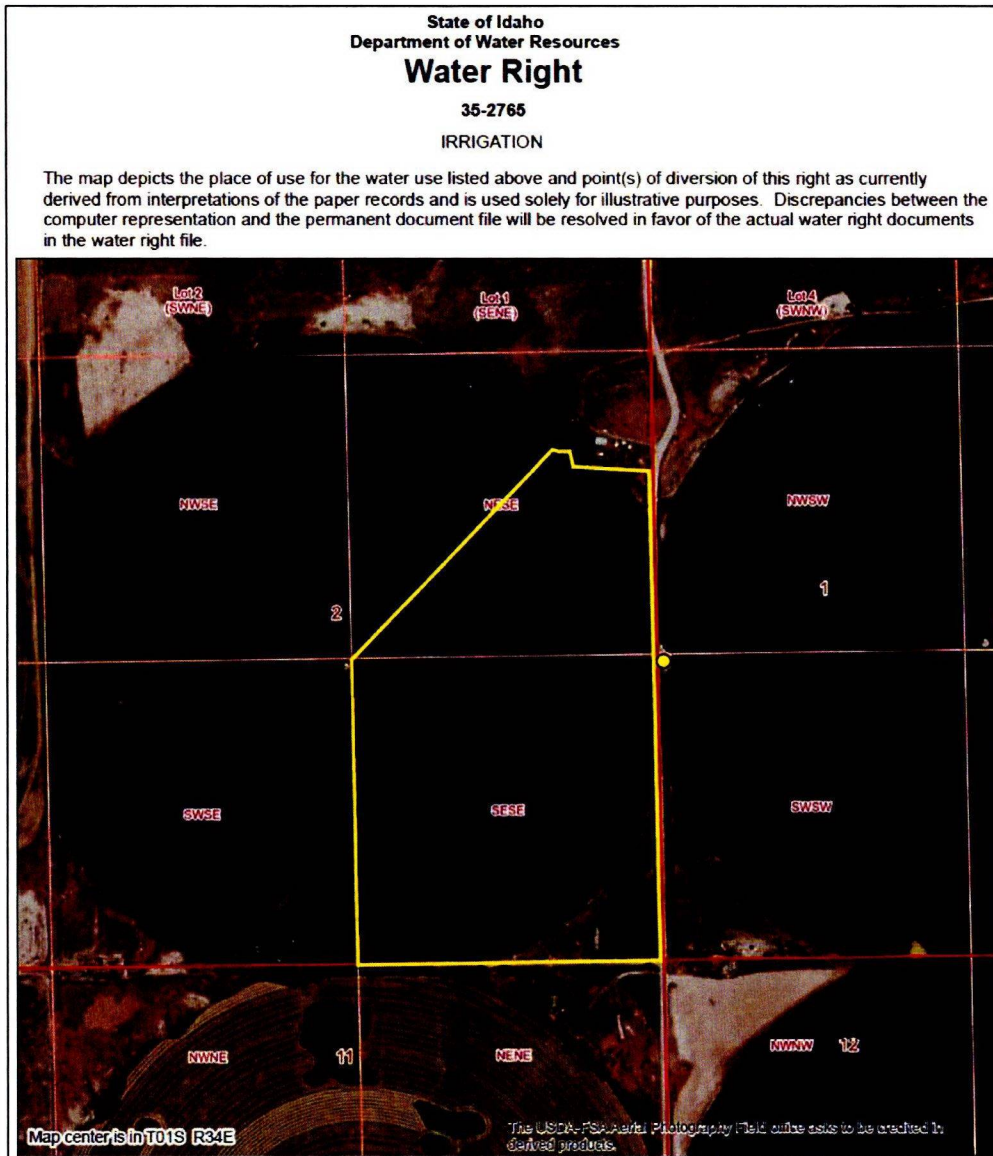
Summary: the applicant is only correcting how the POU is currently drawn, moving 4.3 acres to underneath a pivot. No other changes are being applied for.

History

In 2018 water right 35-2765 had a diversion rate of 4.75 CFS, annual volume of 1124 AFA, and place of use of 281 acres. The place of use at that time appeared as shown below



Subsequently a large portion of 35-2765 was sold to a third party and transferred to new places of use via transfers 82405, 82408, and 82403. After the transfers, the remaining 56-acre place of use was erroneously depicted as shown below, with 4.3 acres in a corner rather than under the pivot.

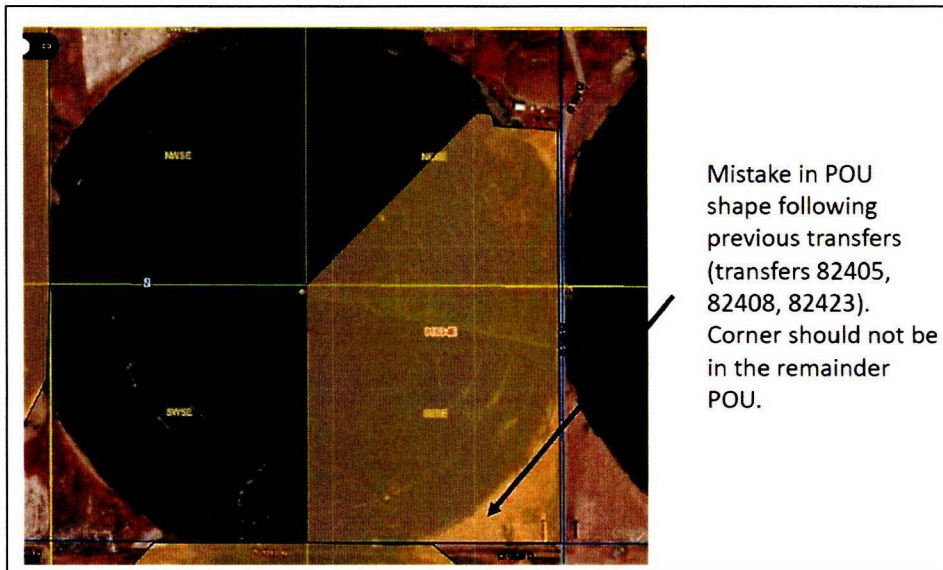


This application is being submitted to correct this. The maps on the following page, which are screenshots from the IDWR mapping page, show the desired outcome.

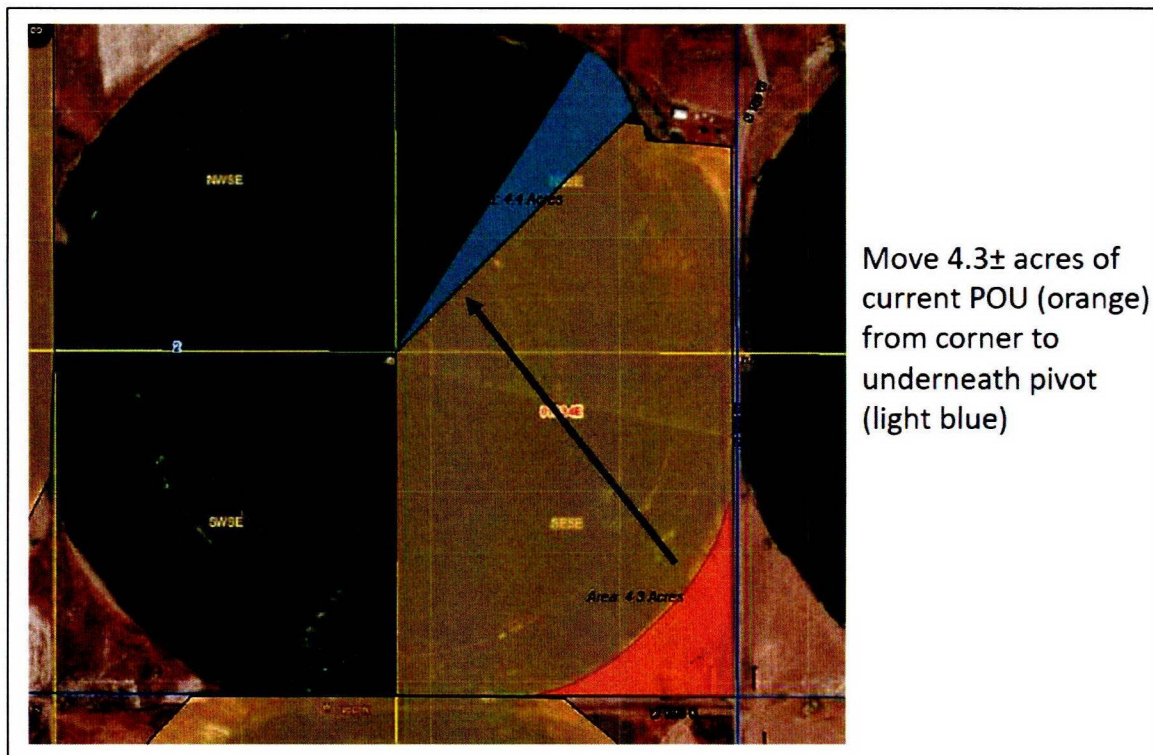
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OCT 05 2022

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Current POU (as of 8/8/2022)



Transfer to correct the POU



Please note that since the three previous transfers, the applicant has been irrigating additional acreage not in the remainder 56-acre POU by renting water from the water bank.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.) *See Narrative for maps*
☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$200.00 Date 8/11/22 Received by C & D Receipt # E048400

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

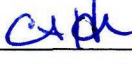
1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right 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?
35-2765	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: D Case LLC and D Cooper LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Gardner Farms, an Idaho general partnership
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 589 North 150 West Blackfoot ID 83221
Mailing address City State Zip
- 208-604-2292 doug@dc-farms.net
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: April 27, 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:  Member of D Case LLC 8-9-22
 Signature of new owner/claimant Title, if applicable Date
Douglas Case (D Case LLC is a partner in Gardner Farms)
 Print name

Signature:  Member of D Cooper LLC 8-9-22
 Signature of new owner/claimant Title, if applicable Date
David Cooper (D Cooper LLC is a partner in Gardner Farms)
 Print name

Received by  Date 8/11/22 For IDWR Office Use Only: Receipt No. E048401 Receipt Amt. \$25.00

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 _____ Processed by _____ Date _____

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OCT 05 2022

RE-RECORDING TO CORRECT PARCEL 23 LEGAL DESCRIPTION

AFTER RECORDING MAIL TO:

Gardner Farms
589 North 150 West
Blackfoot, ID 83221

Instrument # 744933
BINGHAM COUNTY, IDAHO
2022-04-27 08:21:01 AM No. of Pages: 7
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile

Instrument # 744753
BINGHAM COUNTY, IDAHO
2022-04-21 02:18:20 PM No. of Pages: 5
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile

QUITCLAIM DEED

File No.: **988886-B (tr)**

Date: **April 20, 2022**

For Value Received, **D. Cooper, LLC, an Idaho limited liability company and D. Case, LLC, an Idaho limited liability company**, do(es) hereby convey, release, remise, and forever quit claim unto **Gardner Farms, an Idaho general partnership**, whose address is **589 North 150 West Blackfoot, ID 83221**, herein after called the Grantee, the following described premises situated in **Bingham County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

together with its appurtenances.

RE-RECORDING TO CORRECT PARCEL 23 LEGAL DESCRIPTION

AFTER RECORDING MAIL TO:

Garcner Farms
589 North 150 West
Blackfoot, ID 83221

E-RECORDED simplifile®
ID: 744753
County: Bingham
Date: 4/21/22 Time: 2:18pm

QUITCLAIM DEED

File No.: **988886-B (tr)**

Date: **April 20, 2022**

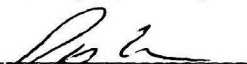
For Value Received, **D. Cooper, LLC, an Idaho limited liability company and D. Case, LLC, an Idaho limited liability company**, do(es) hereby convey, release, remise, and forever quit claim unto **Gardner Farms, an Idaho general partnership**, whose address is **589 North 150 West Blackfoot, ID 83221**, herein after called the Grantee, the following described premises situated in **Bingham County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

together with its appurtenances.

Dated: 4-22-22



David Cooper, manager

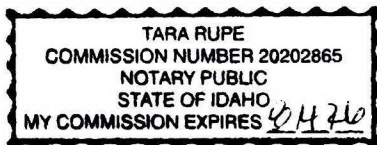


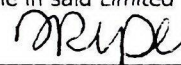
Doug Case, manager




STATE OF Idaho)
COUNTY OF Bingham)
SS.

On this **Twentieth day of April, 2022**, before me, a Notary Public in and for said State, personally appeared **David Cooper**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **D. Cooper, LLC, an Idaho limited liability company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.

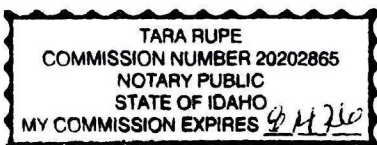


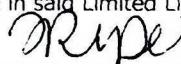


Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 08/04/2026

STATE OF Idaho)
COUNTY OF Bingham)
SS.

On this **Twentieth day of April, 2022**, before me, a Notary Public in and for said State, personally appeared **Doug Case**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **D. Case, LLC, an Idaho limited liability company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.





Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 08/04/2026

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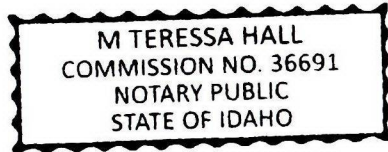
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SCANNED
OCT 05 2022

ACKNOWLEDGEMENT/LIMITED LIABILITY COMPANY

STATE OF Idaho)
)
COUNTY OF Bingham)

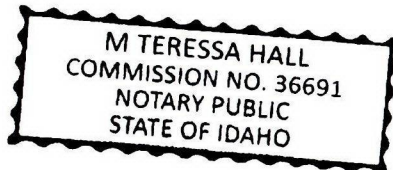
On this 24 day of April, 2022, before me, a Notary Public in and for said State, personally appeared **David Cooper**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **D. Cooper, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 8/24/2025

STATE OF Idaho)
)
COUNTY OF Bingham)

On this 24 day of April, 2022, before me, a Notary Public in and for said State, personally appeared **Doug Case**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **D. Case, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 8/24/2025

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OCT 05 2022

EXHIBIT 'A'**LEGAL DESCRIPTION:****PARCEL 22:****TRACT 1:**

Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as:

Beginning at a point that is N. 90°00'00" W. 65.73 feet along the North Section line and S. 00°00'00" E. 25.00 feet along the West right-of-way line of a county road from the N $\frac{1}{4}$ corner of said Section 2; and running thence S. 00°00'00" E. 148.30 feet; thence N. 90°00'00" W. 362.27 feet; thence N. 00°00'00" W. 148.30 feet; thence S. 90°00'00" E. 362.27 feet to the point of beginning.

TRACT 2:

Part of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as:

Commencing as the N $\frac{1}{4}$ corner of Section 2, thence N. 90°00'00" W. 65.73 feet along the section line; thence S. 0°00'00" W. 173.30 feet along the Westerly right-of-way of a County Road to the Point of Beginning; thence S. 0°00'00" West 148.25 feet along said right-of-way; thence N. 90°00'00" W. 362.27 feet; thence N. 0°00'00" E. 148.25 feet; thence S. 90°00'00" E. 362.27 feet to the Point of Beginning.

TRACT 3:

A portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as follows:

Commencing at the N $\frac{1}{4}$ corner of said Section 2, thence N. 90°00'00" W. 65.73 feet along the section line, thence S. 0°00'00" W. 321.55 feet along the westerly right-of-way of a county road to the true point of beginning; thence S. 0°00'00" W. 156.75 feet along said right-of-way; thence N. 90°00'00" W. 362.27 feet; thence N. 0°00'00" E. 156.75 feet; thence S. 90°00'00" E. 362.27 feet to the point of beginning.

~~**PARCEL 23:**~~

SEE CORRECTED PARCEL 23

~~Part of Government Lot 1, Section 2, Township 2 South, Range 35 East, B.M., Bingham County, Idaho described as:~~

~~Commencing at the NE corner of Section 2; thence N 89°53'22" W 962.03 feet along the section line to the point of beginning. Thence S 08°34'22" E 139.09 feet; thence S 10°41'07" E 185.94 feet; thence S 54°07'00" W 60.06 feet; thence S 89°51'43" W 136.00 feet; thence N 15°02'55" W 86.39 feet; thence N 01°40'36" E 272.75 feet to a point on the north line of section 2; thence S 89°53'22" E 143.90 feet along the section line to the point of beginning.~~

~~And except a Septic Replacement area easement described as: Commencing at the NE corner of Section 2; thence N. 89°53'22" W. 1105.94 feet along the section line; thence S. 01°40'36" W. 272.75 feet; thence S. 15°02'55" E. 86.39 feet; thence N. 89°51'43" E. 20.48 feet to the point of beginning. Thence N. 89° 51'43" E. 50.91 feet; thence S. 10°41'39" W. 126.07 feet; thence S. 89°51'43" W. 50.91 feet; thence N. 10°41'39" E. 126.07 feet to the point of beginning.~~

PARCEL 24:

Part of the NW $\frac{1}{4}$ of Section 6, Township 2 South, Range 36 E.B.M., and part of the SW $\frac{1}{4}$ of Section 31, Township 1 South, Range 36 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the left bank of a canal that flows southerly, that is S. 00°11'00" W. along the Section line 23.00 feet and S. 89°30'20" E. 268.96 feet; and S. 89°04'50" E. 174.78 feet from the NW corner of said Section 6; and running thence S. 41°24'30" W. along said left bank 305.33 feet; thence S. 28°04'39" W. 518.35 feet to a point on the Section line; thence leaving said left bank, S. 00°11'00" W. along the Section line 47.19 feet; thence N. 65°03'41" E. 832.45 feet; thence S. 76°59'19" E. 483.51 feet; thence N. 35°21'06" E. 396.30 feet to the left bank of previously described canal; thence N.

60°46'50" W. along said left bank 265.70 feet; thence N. 65°23'40" W. 269.57 feet; thence N. 66°57'50" W. 282.00 feet; thence S. 80°48'30" W. 130.54 feet; thence S. 41°22'20" W. 217.56 feet to the point of beginning.

CORRECTED PARCEL 23:

Township 2 South, Range 35 E.B.M., Bingham County, Idaho
Section 2: Beginning at a point 200 feet East of the NW corner of Lot 1; thence South 400 feet; thence East 250 feet; thence North 400 feet; thence West 250 feet to the Point of Beginning.

Less: Part of Government Lot 1, Section 2, Township 2 South, Range 35 East, B.M., Bingham County, Idaho described as: Commencing at the NE corner of Section 2; thence N 89°53'22" W 962.03 feet along the section line to the point of beginning. Thence S 08°34'22" E 139.09 feet; thence S 10°41'07" E 185.94 feet; thence S 54°07'00" W 60.06 feet; thence S 89°51'43" W 136.00 feet; thence N 15°02'55" W 86.39 feet; thence N 01°40'36" E 272.75 feet to a point on the north line of Section 2; thence S 89°53'22" E 143.90 feet along the section line to the point of beginning.

And except a Septic Replacement area easement described as: Commencing at the NE corner of Section 2; thence N. 89°53'22" W. 1105.94 feet along the section line; thence S. 01°40'36" W. 272.75 feet; thence S. 15°02'55" E. 86.39 feet; thence N. 89°51'43" E. 20.48 feet to the point of beginning. Thence N. 89° 51'43" E. 50.91 feet; thence S. 10°41'39" W. 126.07 feet; thence S. 89°51'43" W. 50.91 feet; thence N. 10°41'39" E. 126.07 feet to the point of beginning.

EXHIBIT A

PARCEL 27:

Township 1 South, Range 34 E.B.M., Bingham County, Idaho

Section 1: SW $\frac{1}{4}$

Section 2: SE $\frac{1}{4}$

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OCT 05 2022