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MAY 02 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

Case No. 39576)

A. Subcase 01-10393

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Michael D. Ferguson Bear Crest LTD LLC

Address: P.O. Box 160

Rexburg IDAHO 83440

Daytime Phone: 208-359-9688

Name & Address of Attorney, if any:

None

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Bureau of Land Management

Address: 1387 South Vinnick Way

BOISE IDAHO 83709-1657

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☒ Name and Address Bear Crest LTD LLC
 2. ☐ Source
 3. ☐ Quantity
 4. ☐ Priority Date
 5. ☐ Point(s) of Diversion
 6. ☐ Instream Flow Description
 7. ☐ Purpose(s) of Use
 8. ☐ Period of Year
 9. ☒ Place of Use to be used only on Private Property of Bear Crest LTD LLC.
 11. Recommendation
- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of Madison

Michael D. Ferguson, duly sworn, upon oath, deposes and says:
(Name of person filing response)

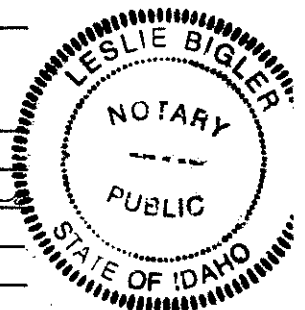
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 4/26/09

Leslie Bigler
Notary Public for State of Idaho
Residing at: Fremont County
My Commission Expires: 2/14/09



INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on April 26th, ~~199~~²⁰⁰⁷, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Michael D. Ferguson Bear Crest LTD LLC
Address: P.O. Box 160 Rexburg ID 83440 82440

3. One copy to the party who filed the objection at the following address:

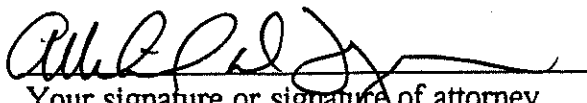
Name: Bureau of Land Management
Address: 1387 So. Vinnell Way
Boise ID 83709-1657

4. Copies to:

* IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
01-10393	Water Right to Include the 3.66 AC				
	in the Parcel 2 Description				
	for a total of 60.84 Acres				
	to be included marked in yellow				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Roger + Sybil Ferguson

4. New Owner/Claimant(s) Bear Crest LTD LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. Box 160

City, State and ZIP Code Reboburg IDAHO 83440

New Telephone Number (208) 359-9688

5. Date you acquired the property

Dec 19th 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Amel D. J. *BearCrest LTD LLC*
 (title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____

Date _____

EXHIBIT A

Real Property Description

The real property located in Madison County, Idaho described as follows:

Parcel 1

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 28, more particularly described as follows: Beginning at the Southeast corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 5 North, Range 39 East, said point also being the True Point of Beginning;

Thence S89°52'58"W for a distance of 1317.48 feet to the Southwest corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 5 North, Range 39 East;

Thence S89°30'15"W for a distance of 45.00 feet to the centerline of a dike, the following calls being along the centerline of said dike:

Thence N46°32'02"W for a distance of 413.63 feet;

Thence N44°12'10"W for a distance of 228.47 feet;

Thence N39°04'18"W for a distance of 138.17 feet;

Thence N25°58'48"W for a distance of 144.51 feet;

Thence N19°57'11"W for a distance of 115.38 feet;

Thence N23°17'57"W for a distance of 468.59 feet;

Thence N16°38'20"W for a distance of 92.93 feet to the North line of Section 28;

Thence N89°45'22"E for a distance of 2218.33 to the Northeast corner of Section 28;

Township 5 North, Range 39 East;

Thence S00°14'01"E for a distance of 1319.73 feet to the true point of beginning, containing 57.18 acres more or less.

Parcel 2

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 27, more particularly described as follows: Beginning at the Southwest corner of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 27, Township 5 North, Range 39 East, said point also being the True Point of Beginning;

Thence N00°14'01"W for a distance of 1319.73 feet to the Northwest corner of Section 27, Township 5 North, Range 39 East;

Thence S09°27'53"E for a distance of 94.38 feet to the West right-of-way of a county road;

Thence S24°53'55"E along said right-of-way for a distance of 568.93 feet;

Thence S19°21'34"W for a distance of 753.16 feet to the True Point of Beginning, containing 3.66 acres more or less.

Instrument # 324935

REXBURG, MADISON, IDAHO

2005-12-27

01:18:00

No. of Pages: 3

Recorded for : BILLY DUPREE

MARILYN R. RASMUSSEN

Fee: 9.00

Ex-Officio Recorder Deputy

WHEN RECORDED RETURN TO:

Michael D. Ferguson

P.O. Box 160

Rexburg, Idaho 83440

WARRANTY DEED

Roger and Sybil Ferguson, husband and wife, P.O. Box 519, Rexburg, Idaho 83440, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Bear Crest Limited LLC, an Idaho limited liability company, P.O. Box 160, Rexburg, Idaho 83440, as GRANTEE, and to GRANTEE'S successors and assigns forever, the property situated in Madison County, Idaho described on the attached Exhibit A.

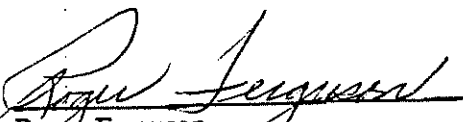
TOGETHER with all water rights and shares for water appurtenant thereto and all improvements, easements, hereditaments and appurtenances to said property.

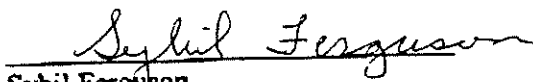
SUBJECT to existing liens and encumbrances and all existing patent reservations, easements, rights of way, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations apparent or of record.

GRANTORS, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 19th day of December, 2005.

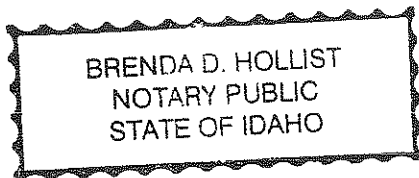
GRANTORS:


Roger Ferguson


Sybil Ferguson

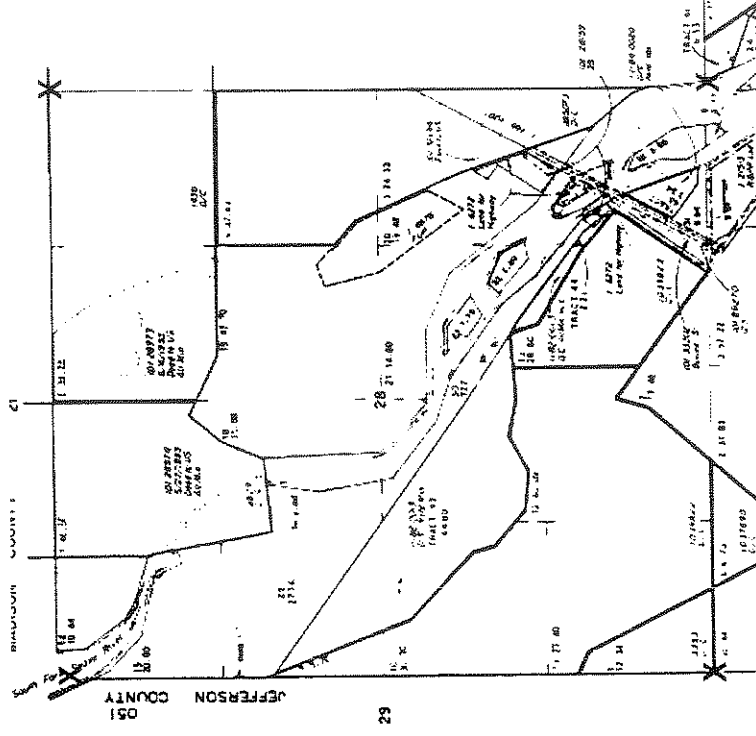
State of Idaho)
)ss,
County of Madison)

On this 19th day of December, in the year 2005, before me, a Notary Public in and for said State, personally appeared Roger Ferguson and Sybil Ferguson, husband and wife, known or identified to me (or proved to me on the oath of _____,) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Brenda D. Hollist
Notary Public for Idaho
Residing at: Rexburg
My Commission Expires: 4-21-2009

Roger & Sybil Ferguson



-T05N R39E S28 Lot 6 (NWNE) contains both public and private lands. Please clarify such that only private land is intended by inserting the following language under the place of use in the Director's Report Recommendation:

“Place of use does not include federal public land.”