



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 30, 2007

DUCK BELL LLC
BATES RANCH LLC
1025 S COOK ST
DENVER CO 80209

RE: Notice of Change of Water Right Ownership (NCO) for
22-677, 22-4189 and Notice of Completed Administrative Proceeding
(NCAP)

Dear Claimants:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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

)

Water Rights: 22-677 split into
22-13694, 22-13695, 22-13696

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party **WILSON – WILSON, DUCK BELL LLC, BATES RANCH
LLC**

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 5-4-07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 7, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
ROBERT & SHARMAN WILSON
17245 GREEN TURTLE LN E
SUGARLOAF KEY FL 33042

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
ROBERT & SHARMAN WILSON DUCK BELL LLC BATES RANCH LLC
17245 GREEN TURTLE LN E 1025 S COOK ST 1025 S COOK ST
SUGARLOAF KEY FL 33042 DENVER CO 80209 DENVER CO 80209

4. One copy to:

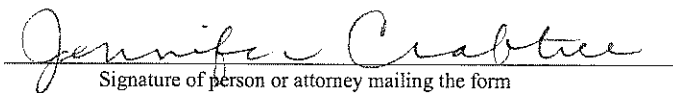
Each party in the subcase, or attorney of record
RAY RIGBY
PO BOX 250
REXBURG ID 83440

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

04/30/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13695

NAME AND ADDRESS: DUCK BELL LLC
1025 S COOK ST
DENVER CO 80209

SOURCE: UNNAMED SLOUGHS

TRIBUTARY: TETON RIVER

QUANTITY: 0.760 CFS

PRIORITY DATE: 06/01/1903

POINT OF

DIVERSION: T05N R45E S30 SESESE Within TETON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.760 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S30

SWNE

30.00

T05N R45E S30

SENW

8.00

38 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 42 acres in a single irrigation season. Combined Right Nos.: 22-13695 and 22-13698.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-677 .

DEEDG
AR
RECEIVED

MAR 23 2005

Department of Water Resources
Eastern Region

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-677	X			
	22-684 ✓				
	22-4189	X			

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 rights(s) or claims(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 your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)

OR

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 **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 Robert J. Wilson & Sharman Wilson
17245 Green Turtle Lane East, Sugarloaf Key, FL 33042
4. New Owner/Claimant(s) Duck Bell LLC
Name connector (check one): [] and [] or, [] and/or
New Mailing Address 1025 S. Cook St.
City, State and ZIP Code Denver, CO 80209
New Telephone Number 406-585-1484
5. Date you acquired the property July 14, 2004

PROFILED

SCANNED
SEP 21 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	0.4 cfs	20
Stock		
Domestic		
Other		
TOTAL		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	0.4 cfs	20
Stock		
Domestic		
Other		
TOTAL		

7. Signature of New Owner(s) Or Claimant(s) Don Schlager for Conservation Solutions LLC as Manager, Duck Bill LLC
(include title if applicable)

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

SCANNED

SEP 21 2005

PROFILED

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

March 22, 2005

Jennifer Crabtree
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RECEIVED
MAR 23 2005
Department of Water Resources
Eastern Region

Re: Change of Ownership - Duck Bell, LLC

Dear Jen:

Enclosed is a Notice of Change of Water Right Ownership from Robert J. & Sharman Wilson to Duck Bell, LLC along with the Deed and a map. According to the SRBA website, these have not yet been partially decreed. If this is incorrect, please feel free to call me and I will get you a check for the appropriate amount.

Thank you for your kind assistance to this matter. If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,



Cheri Vandermeulen
Secretary for Kent W. Foster

Enclosures

G:\WPDATA\KWF\11925 Anderson, Bill\Jennifer Crabtree, IDWR ltr 032205.wpd:cdv

PROFILED

SCANNED
SEP 21 2005

RECEIVED

JUL 14 2004

TETON CO., ID
CLERK RECORDER

162218

WARRANTY DEED

(277 Acres)

T-11379

FOR VALUE RECEIVED, **ROBERT J. WILSON and SHARMAN L. WILSON**, husband and wife, of 17245 Green Turtle Lane East, Sugarloaf Key, Florida, 33042, do hereby grant, bargain, sell, warrant and convey unto, **DUCK BELL LLC**, a Delaware Limited Liability Company, of 1025 South Cook Street, Denver, Colorado 80209, ("Grantee"), the following described real property in Teton County, State of Idaho, totaling 277 acres more or less, to-wit:

Township 5 North, Range 45 East Boise Meridian, Teton County, Idaho

Section 19: N1/2SE1/4 and the SE1/4SE1/4

Section 30: NE1/4

Excepting:

A parcel of land beginning at a point 757 feet more or less north of the SE corner of the NE1/4 of Section 30, T5N, R45E, B.M., at a concrete marker and running thence west 165 feet, thence south 180 feet, thence west 275 feet, thence north 365 feet, thence east 440 feet, thence south 185 feet to the point of beginning (3 acres more or less)

Also Excepting:

A parcel of land in the S1/2SW1/4NE1/4 of Section 30, T5N, R45E, B.M., beginning at the center quarter corner of Section 30, thence S89°37'12"E-730.79 feet to the true point of beginning, thence first course, N57°47'16"E-55.20 feet, thence second course, East-228.97 feet, thence third course, S54°48'52"E-54.79 feet, thence fourth and final course, N89°37'12"W-320.46 feet to the true point of beginning (0.19 acres)

Together with an access easement to the above described 0.19 acre parcel allowing fishing and passive recreational use.

Together with and including all water rights, and all oil, gas, and other mineral rights owned by Grantors.

Subject to easements, if any, of record or in existence, for roads and utilities; applicable zoning, use, and subdivision laws, ordinances and regulations;

SCANNED

WARRANTY DEED
WILSON 277 ACRES

Page 1 of 3

162218

Instrument # 162218

DRIGGS, TETON, IDAHO

2004-07-14

03:39:05 No. of Pages: 3

Recorded for: FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy *[Signature]*

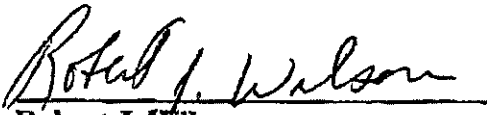
Index to DEED WARRANTY

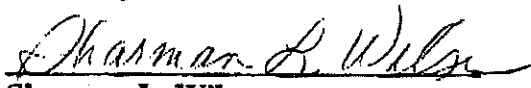
PROFILED
SEP 21 2005

mineral rights, if any, reserved in the State of Idaho; and accruing 2004 property taxes and assessments.

Grantors covenant and warrant that fee simple title to the above described property is conveyed to Grantee by this Deed free from all encumbrances except purchase money Real Estate Mortgage with Grantee as Mortgagor and Grantees as Mortgagees, securing payment of \$1,041,520.00, plus interest, and except pro-rata share of current year property taxes and assessments from date hereof.

DATED This 13 day of July, 2004.


Robert J. Wilson


Sharman L. Wilson

Acknowledgment

STATE OF Florida,)

County of Mimvie)
SS.

On this 13 day of July, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared **Robert J. Wilson** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.



Notary Public for Florida
Residing at 30572 Overseas Hwy.
My Commission expires: B.9 Pine Key FL 33042

PROFILED

WARRANTY DEED
WILSON 277 ACRES
Page 2 of 3

162218

SCANNED
SEP 21 2005

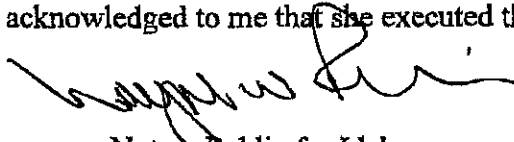
Acknowledgment

STATE OF Idaho,)

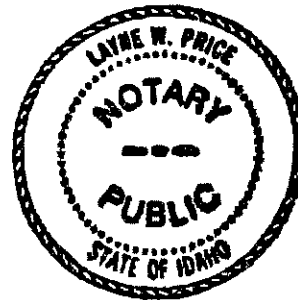
ss.)

County of Teton)

On this 14th day of July, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared **Sharman L. Wilson** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.



Notary Public for Idaho

Residing at DRESS, IDMy Commission expires: 12-01-06

WARRANTY DEED

WILSON 277 ACRES

Page 3 of 3

SCANNED

SEP 21 2005

162218

165323

RECEIVED

DEC 21 2004

TETON CO., ID
CLERK RECORDER**WARRANTY DEED**
(37.65 Acres)

FOR VALUE RECEIVED, the Teton Regional Land Trust Inc., a non-profit Idaho corporation, of 147 South Highway 33, Driggs, Idaho, 83422, does hereby grant, bargain, sell, warrant and convey unto, **DUCK BELL LLC**, a Delaware Limited Liability Company, of 1025 South Cook Street, Denver, Colorado 80209, ("Grantee"), the following described real property in Teton County, State of Idaho, totaling 37.65 acres more or less, to-wit:

A parcel of land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 30, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho and more completely described as follows:

Beginning at the center quarter corner of Section 30, T5N, R45E, B.M., the TRUE POINT OF BEGINNING, thence first course N89°37'43"W-884.82 feet to the centerline of the Teton River, second through thirty-seventh courses along said centerline, thence second course, N06°57'52"E-133.61 feet, thence third course, N38°51'01"E-153.74 feet, thence fourth course, N45°01'16"E-206.57 feet, thence fifth course, N46°59'45"E-179.83 feet, thence sixth course, N30°14'20"E-117.00 feet, thence seventh course, N01°14'47"W-134.36 feet, thence eighth course, N26°34'55"W-97.96 feet, thence ninth course, N45°43'42"W-167.34 feet, thence tenth course, N31°53'05"W-127.25 feet, thence eleventh course, N05°31'54"E-90.95 feet, thence twelfth course, N27°29'30"E-82.30 feet, thence thirteenth course, N73°45'04"E-73.06 feet, thence fourteenth course, S77°00'52"E-77.98 feet, thence fifteenth course, S65°26'55"E-112.45 feet, thence sixteenth course, S87°36'57"E-70.20 feet, thence seventeenth course, N53°09'01"E-87.65 feet, thence eighteenth course, N27°16'21"E-108.42 feet, thence nineteenth course, N02°26'18"W-137.38 feet, thence twentieth course, N17°12'37"W-128.40 feet, thence twenty-first course, N59°28'11"W-95.72 feet, thence twenty-second course, N81°23'26"W-97.54 feet, thence twenty-third course, S67°23'42"W-113.96 feet, thence twenty-fourth course, S60°49'13"W-113.80 feet, thence twenty-fifth course, N82°52'49"W-70.68 feet, thence twenty-sixth course, N29°45'47"W-70.64 feet, thence twenty-seventh course, N16°42'39"E-60.98 feet, thence twenty-eighth course, N35°00'42"E-106.96 feet, thence twenty-ninth course N74°45'20"E-99.96 feet, thence thirtieth course, N68°58'36"E-81.40 feet, thence thirty-first course, N20°34'11"E-49.91 feet, thence thirty-second course, N03°16'22"W-102.38 feet, thence thirty-third course, N32°35'35"W-124.78 feet, thence thirty-fourth course,

WARRANTY DEED

THREE FORKS 37.65 ACRES

PROFILED

SEP 21 2005

165323

Instrument # 165323

DRIGGS, TETON, IDAHO

2004-12-21

04:24:50 No. of Pages: 3

Recorded for: ALLIANCE TITLE & ESCROW

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

N48°02'01"W-157.22 feet, thence thirty-fifth course, N73°07'30"W-171.02 feet, thence thirty-sixth course, S73°11'25"W-131.27 feet, thence thirty seventh course, S48°23'15"W-126.24 feet, thence thirty-eighth course, departing said centerline of the Teton River, N00°02'28"E-525.07 feet, thence thirty-ninth course, S89°38'39"E-1036.20 feet, thence, fortieth and final course, S00°19'30"W-2641.52 feet to the point of beginning.

Said parcel containing 37.65 acres.

Together with and including any and all improvements and appurtenances thereto, including rents, issues and profits thereof, reversions and remainders, all water rights, and all oil, gas, and other mineral rights owned by Grantors.

Subject to easements, if any, of record or in existence, for roads and utilities; applicable zoning, use, and subdivision laws, ordinances and regulations; mineral rights, if any, reserved in the State of Idaho; and accruing 2004 property taxes and assessments.

Grantors covenant and warrant that fee simple title to the above-described property is conveyed to Grantee by this Deed free from all encumbrances except pro-rata share of current year property taxes and assessments from date hereof.

DATED This 20th day of December, 2004.

PROFILED

WARRANTY DEED
THREE FORKS 37.65 ACRES

165323

SCANNED
SEP 21 2005

IN WITNESS WHEREOF, the Grantor has set their hands on the day and year first above written.

GRANTOR:

By Michael B. Whitfield
Michael B. Whitfield, Executive Director
Teton Regional Land Trust Representative

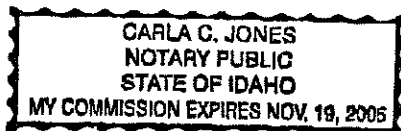
By Linda Mcrigliano
Linda Mcrigliano, Secretary
Teton Regional Land Trust Representative

STATE OF IDAHO)
COUNTY OF TETON) ss

On this 20th day of December, 2004, before me, Carla C. Jones, a Notary Public in and for said State, personally appeared (Linda Mcrigliano and Michael B. Whitfield) known or identified to me (or proved to me on the oath of), to be the Secretary and the Executive Director, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
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A
L



Carla C. Jones
Notary Public for Idaho
Residing at: Driggs
My Commission Expires: 11/19/05

165028

WARRANTY DEED
THREE FORKS 37.65 ACRES

FILED

SCANNED
SEP 21 2005

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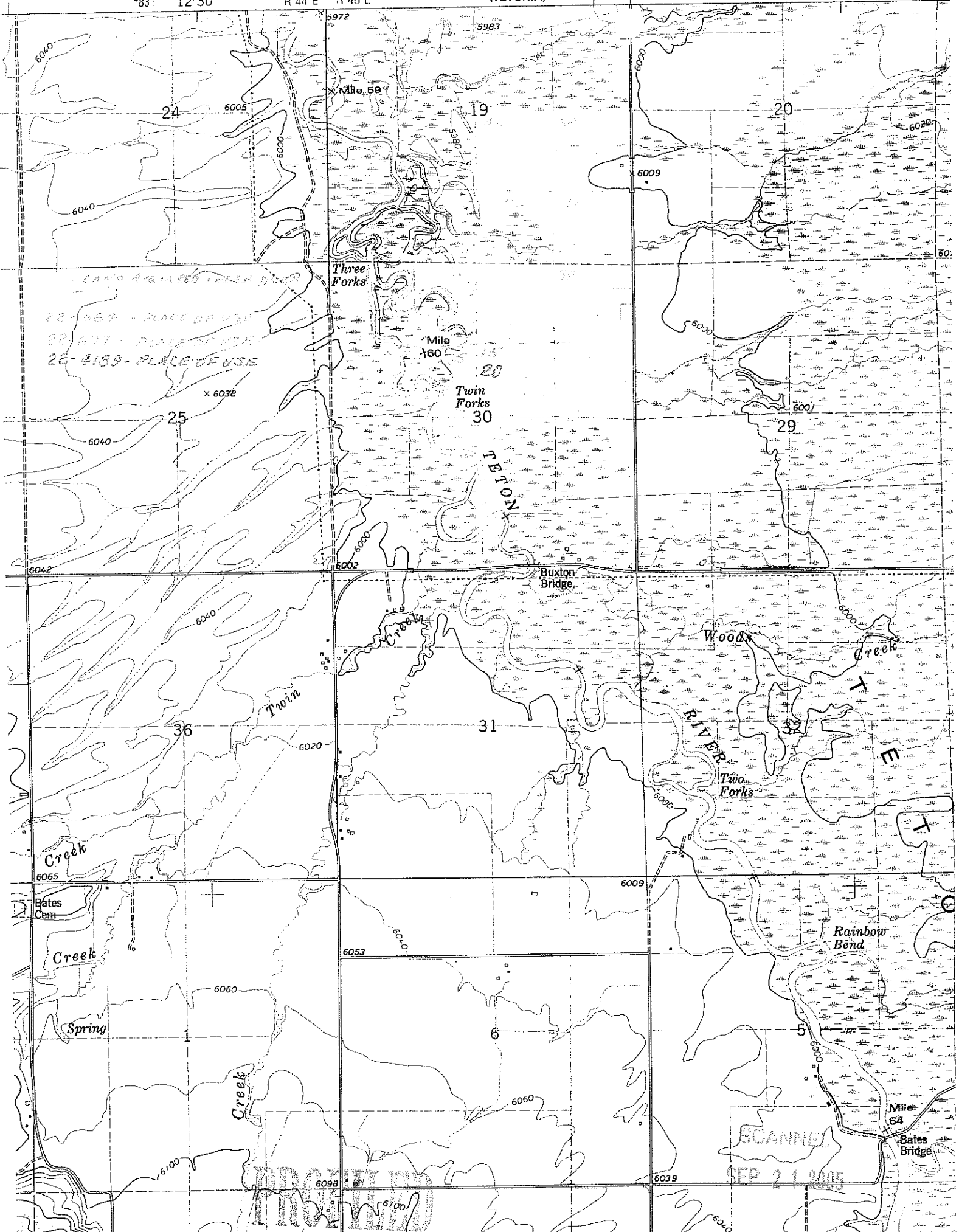
(TETONIA)

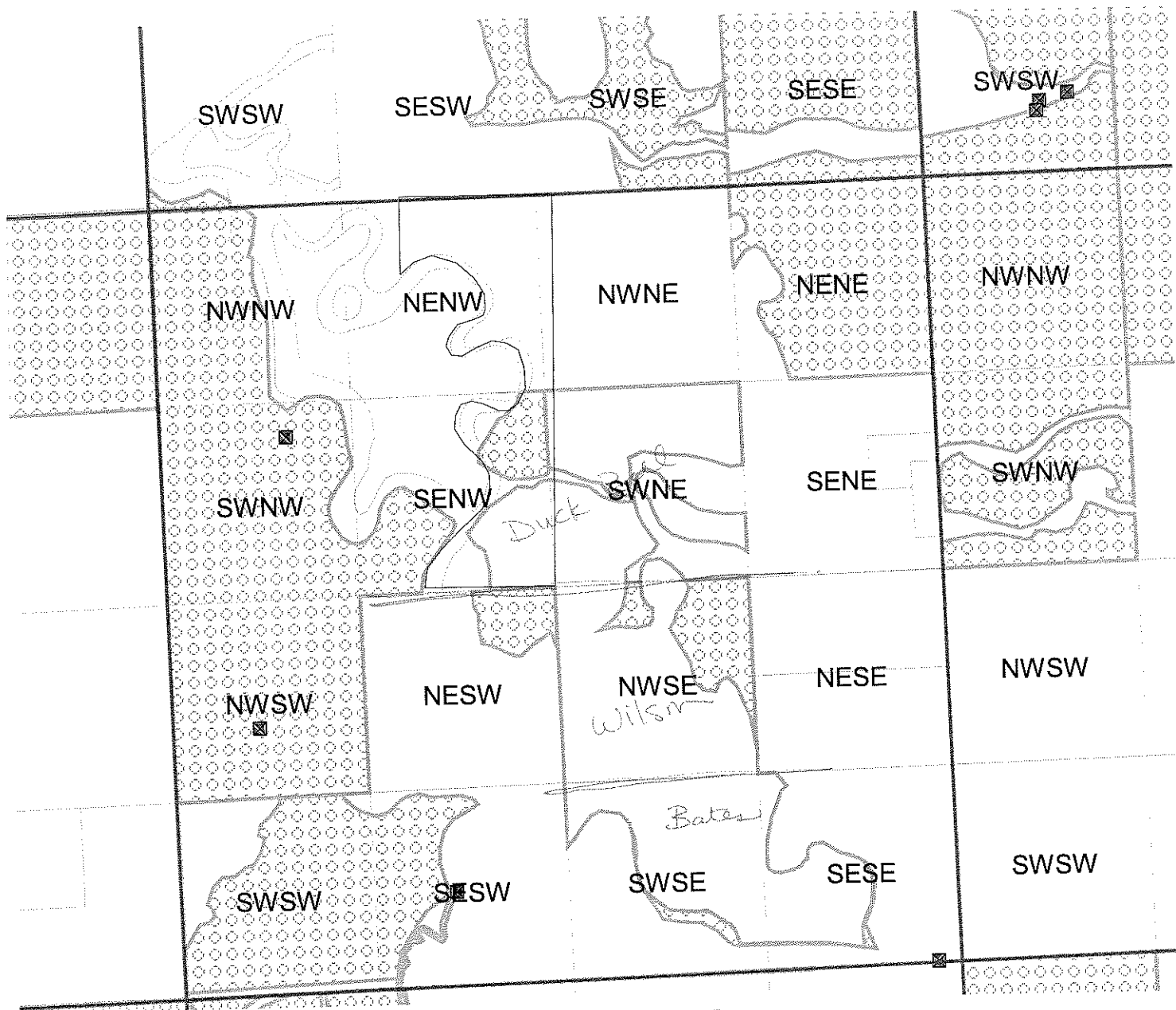
TETONIA 6 MI.

86

10'

87





22-677