

RECEIVED

MAY 06 2021

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-12138 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-59 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
22-167 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
22-224 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Terrence Bagley
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Teton Vistas Ranch LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
PO Box 26435 Prescott Valley AZ 86312
Mailing address City State ZIP
928-379-0424
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: February 16, 2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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: *Robert L. Jannis* Attorney May 3, 2021
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by *JLH* Date 5/6/2021 Receipt No. E046921 Receipt Amt. \$350.-
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 *JA* Date 11/2/2021

MAY 06 2021

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-663 <i>OK</i>	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: Vivian Bagley Grandchildren Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Teton Vistas Ranch LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- PO Box 26435 Prescott Valley AZ 86312
Mailing address City State ZIP
- 928-379-0424 _____
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: February 16, 2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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):
☐ \$25 per *undivided* water right.
☐ \$100 per *split* water right.
☐ 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: *Robert L. Harris* Attorney May 3, 2021
Signature of new owner/claimant Title, if applicable Date

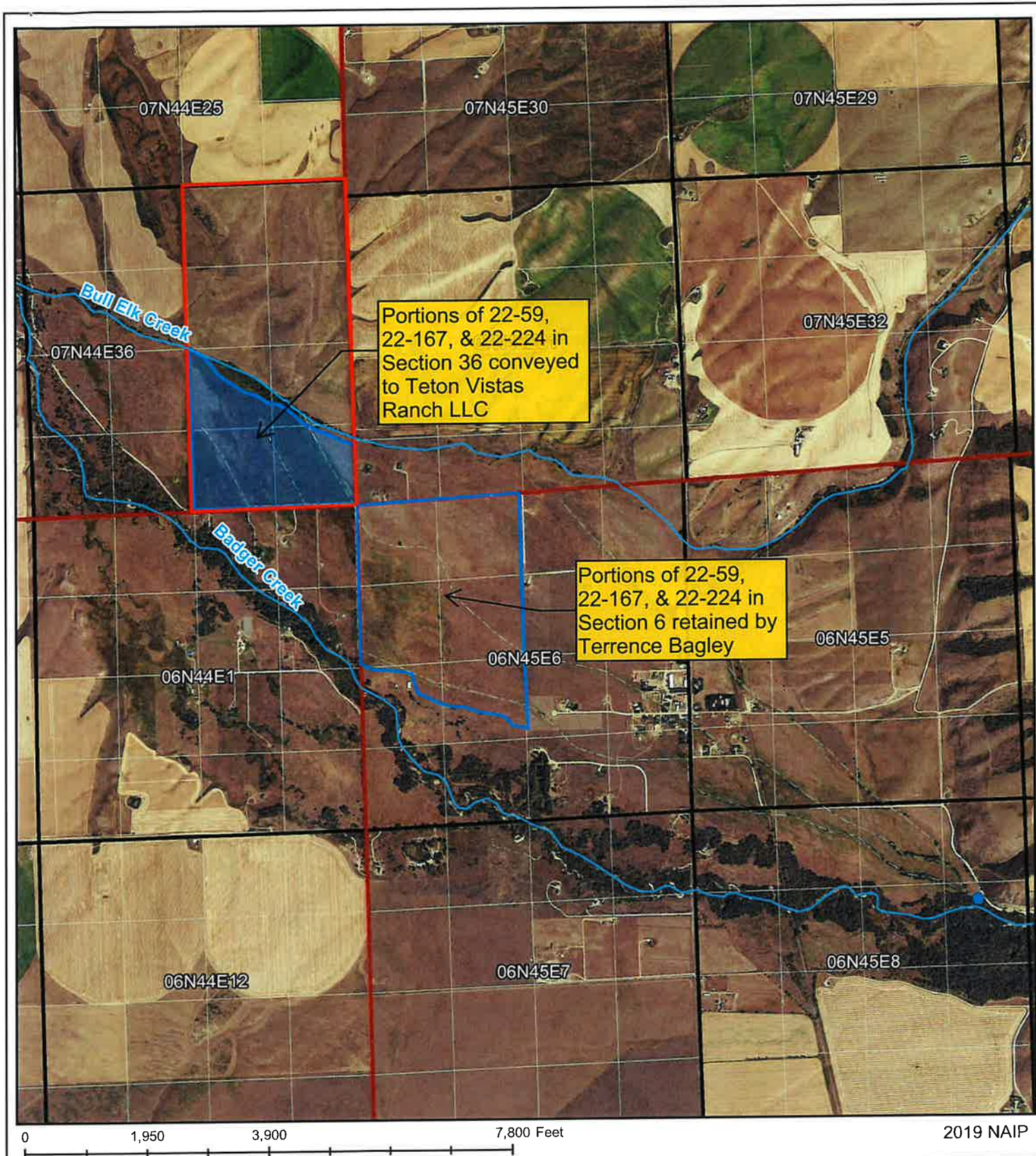
Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

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 _____



Legend

- Ricks Canal Headgate
- Ricks Canal and Ditches
- Streams
- Parcel Boundary
- POU 22-59, 22-167, 22-224
- Appurtenant Portion
- Twp & Rng
- Section
- QQ

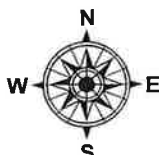


Figure 4. Irrigation Rights: 22-59, 22-167, 22-224 Teton Vistas Ranch

RMEA # 21-0026

by: KM

Date: 2/11/2021



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 266548
TETON COUNTY, IDAHO
02-26-2021 12:29:38 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - DRIGGS
KIM KEELEY Fee: \$16.00
Ex-Officio Recorder Deputy, Kim Keeley
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **954397-T (JP)**

Date: **February 16, 2021**

For Value Received, **Grant Lorin Wilson, Sucessor Trustee of The Vivian Bagley Grandchildren Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Teton Vistas Ranch LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **PO Box 26435, Prescott Valley , AZ 86312**, the following described premises, situated in **Teton County, Idaho**, to-wit:

E½ of Section 36, Township 7 North, Range 44 East, Boise Meridian, Teton County, Idaho

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrlctions 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.

File No.: **954397-T (JP)**


Grant Lorin Wilson, Successor Trustee

Notary Public of Idaho
Residing at: Dn1945
Commission Expires: 7-10-2024

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Herb Heimerl
Heimerl Beard St. Clair
PO Box 499
Victor, ID 83455

(Space Above for Recorder's Use)

QUITCLAIM DEED FOR WATER RIGHTS

THIS INDENTURE is made this 23 day of February, 2021, between **Terrence Bagley**, referred to herein as the "GRANTOR" and **Teton Vistas Ranch LLC**, an Idaho limited liability company, whose address is 7020 E Moonlit Dr., Prescott Valley, Arizona 86315, referred to herein as the "GRANTEE".

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release, and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the GRANTOR of the following described water rights:

All of Water Right No. 22-12138; and

the portions of Water Right Nos. 22-59, 22-167, 22-224 appurtenant to the E1/2 of Section 36, Township 7 North, Range 44 East, Boise Meridian, Teton County, Idaho, as depicted on Exhibit 1.

RESERVING unto GRANTOR any portions of Water Right Nos. 22-59, 22-167, 22-224 not appurtenant to the E1/2 of Section 36, Township 7 North, Range 44 East, Boise Meridian, Teton County, Idaho.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

PROVIDED, however, that the delivery of water diverted pursuant to the above-described water rights to the E1/2 of Section 36, Township 7 North, Range 44 East, Boise Meridian, shall only occur through what is generally known as the South Branch of the Ricks Canal (identified on **Exhibit 1**) as it has historically.

PROVIDED FURTHER that GRANTEE may use any wastewater that results from irrigation of GRANTOR'S property located in Section 6, Township 6 North, Range 45 East, Boise

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Herb Heimerl

Heimerl Beard St. Clair

PO Box 499

Victor, ID 83455

(Space Above for Recorder's Use)

QUITCLAIM DEED FOR WATER RIGHTS

THIS INDENTURE is made this 23 day of February, 2021, between **Terrence Bagley**, referred to herein as the "GRANTOR" and **Teton Vistas Ranch LLC**, an Idaho limited liability company, whose address is 7020 E Moonlit Dr., Prescott Valley, Arizona 86315, referred to herein as the "GRANTEE".

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release, and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the GRANTOR of the following described water rights:

All of Water Right No. 22-12138; and

the portions of Water Right Nos. 22-59, 22-167, 22-224 appurtenant to the E1/2 of Section 36, Township 7 North, Range 44 East, Boise Meridian, Teton County, Idaho, as depicted on Exhibit 1.

RESERVING unto GRANTOR any portions of Water Right Nos. 22-59, 22-167, 22-224 not appurtenant to the E1/2 of Section 36, Township 7 North, Range 44 East, Boise Meridian, Teton County, Idaho.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

PROVIDED, however, that the delivery of water diverted pursuant to the above-described water rights to the E1/2 of Section 36, Township 7 North, Range 44 East, Boise Meridian, shall only occur through what is generally known as the South Branch of the Ricks Canal (identified on **Exhibit 1**) as it has historically.

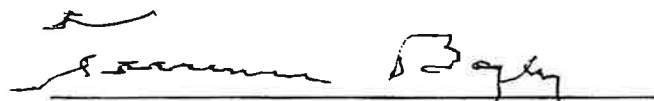
PROVIDED FURTHER that GRANTEE may use any wastewater that results from irrigation of GRANTOR'S property located in Section 6, Township 6 North, Range 45 East, Boise

Meridian, as it has historically to the extent such wastewater is present, recognizing, however, that GRANTEE cannot compel GRANTOR to waste water under Idaho law (see *Application of Boyer*, 73 Idaho 152, 162-63 (1952) ("It is axiomatic that no appropriator can compel any other appropriator to continue the waste of water whereby the former may benefit.")).

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

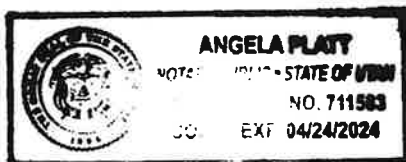
In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

"GRANTOR"


Terrence Bagley

STATE OF ~~IDAHO~~ *Utah*)
County of ~~Teton~~ *Salt Lake*) ss.

This record was acknowledged before me on the 23 day of February, 2021, by
TERRENCE BAGLEY.




Notary Public for ~~Idaho~~ *Utah*
My Commission Expires: 4/24/2024

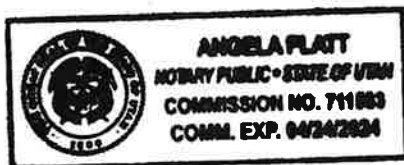


EXHIBIT 1



GENERAL ASSIGNMENT

This General Assignment is made as of February ^{2/25/2021}____, 2021 by Grant Lorin Wilson, Successor Trustee of The Vivian Bagley Grandchildren Trust and Terrance Bagley (together the "Assignors") to Teton Vistas Ranch LLC ("Assignee"). This General Assignment is made as part of the closing of that certain Agreement to Purchase and Sell dated January 21, 2021 (the "Purchase Agreement") wherein Grant Lorin Wilson, Successor Trustee of The Vivian Bagley Grandchildren Trust and Terrance Bagley agrees to sell to Assignee certain real property described as the E1/2 of Section 36, Township 7 North, Range 44 East, Boise Meridian, Teton County, Idaho (the "Property"). All capitalized terms not defined herein shall have the meanings set forth in the Purchase Agreement.

FOR VALUABLE CONSIDERATION, Assignors hereby sell, transfer, assign and deliver to Assignee, all of Assignors' right, title and interest in all water and mineral rights appurtenant to the Property, or otherwise associated with or used in connection with the Property or the ownership and development thereof, including but not limited to that portion of the water rights associated with the Property as set forth below.

<u>Water Right</u>	<u>Owner</u>
22-59	Terrence Bagley
22-167	Terrence Bagley
22-224	Terrence Bagley
22-663	Vivian Bagley Grandchildren Trust
22-12138	Terrence Bagley

By execution below, Assignors agree to perform, or cause to be done and performed, such further acts and things, and shall execute and deliver all such other agreements, certificates, instruments and documents, as the other party may reasonably request in order to carry out the intent and accomplish the purposes of this General Assignment and the consummation of the transactions contemplated hereby.

The Vivian Bagley Grandchildren Trust

By: Grant Wilson
Name: Grant Lorin Wilson
Title: Trustee

02/25/2021 1:23 PM MST

Terrence Bagley
Terrence Bagley

02/25/2021 3:54 PM MST



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

November 02, 2021

TETON VISTAS RANCH LLC
PO BOX 26435
PRESCOTT VLY AZ 86312-6435

Re: Change in Water Right Ownership: 22-59 (Split into 22-59 and 22-14418), 22-167 (Split into 22-167 and 22-14419), 22-224 (Split into 22-224 and 22-14420), 22-663 (No Split) and 22-12138 (No Split)

Dear Water Right Holder(s):

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

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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: TERRENCE BAGLEY
WATER DISTRICT 01
HOLDEN KIDWELL HAHN & CRAPO



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

Established in 1896

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

May 4, 2021

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

Re: *Notice of Change in Water Right Ownership for WR Nos. 22-12138, 22-663, and portions of WR Nos. 22-59, 22-167, and 22-224.*

Dear Jonie:

Enclosed for processing are two separate completed *Notice of Change in Water Right Ownership* forms for the above -referenced water rights. The property was sold to my client, Teton Vistas Ranch LLC, by the Vivian Bagley Grandchildren Trust. Kitty-corner from the property that was sold (the E ½ of Section 36, Township 07 N., Range 44 E.) is property that is still owned by Terrence Bagley. Terrence Bagley is related to Vivian Bagley, and in the Snake River Basin Adjudication, there were some changes in property ownership that were not similarly followed through to the eventual decree of several water rights. Knowing this, in the recent property sale that occurred, a *Quitclaim Deed for Water Rights* was prepared and executed to clean up any water right ownership issues.

Therefore, enclosed is a *Warranty Deed* recorded as Instrument No. 266548 which conveys the entirety of an irrigation water right, 22-663, from the Vivian Bagley Grandchildren Trust to my client. The conveyance of that water right is based upon the general law in Idaho that conveyance of land with appurtenances includes water rights. The *Warranty Deed* specifically references appurtenances.

WR 22-12138 is a stock water right appurtenant to the property my client purchased, but it was decreed in the name of Terrence Bagley. The *Quitclaim Deed for Water Wights* recorded as Instrument No. 266549 was signed by Mr. Bagley conveying title to the entirety of this right.

In addition, WR Nos. 22-59, 22-167, and 22-224 were also decreed in Terrence Bagley's name, even though portions of these rights were appurtenant to the Vivian Bagley Grandchildren Trust property. The *Quitclaim Deed for Water Rights* corrects this by conveying the water rights portions appurtenant to the property purchased by my client. The *Quitclaim Deed for Water Rights*

Jonie Barg
May 4, 2021
Page 2 of 2

is clear that Terrence Bagley is retaining title to the remaining portions of these water rights associated with his property that is kitty-corner from the property purchased by my client

Based on the need to update ownership of these water rights, we have included a filing fee in the amount of \$350.00, which accounts for three water right splits and \$25.00 each for the two rights that are not being split. If you have any questions or concerns, please let me know.

In addition, for your information, we have included another form that the parties elected to sign to make their intentions clear, which is the enclosed *General Assignment*. You will see what the intent of the parties was to make sure this cleans up the water right ownership issues. We appreciate your work to this matter.

Best regards,

A handwritten signature in blue ink that reads "Robert L. Harris".

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\rlh_teton vistas ranch llc\2021.05.04 jonie barg.docx