

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 04 2020

Department 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. ✓ DB

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
✓ 11-4239	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	11-4239	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	11-7868	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Hemmert Hot Springs, Inc.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): See names on attached Corporate Special Warranty Deed
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 1119 Roueche Lane Kaysville UT 83037
Mailing address City State ZIP
- 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 13, 2018
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 _____ September 4, 2020
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 JB Date 9/4/20 Receipt No. E046257 Receipt Amt. \$100.-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by JB Processed by JB Date 12/1/20

Instrument # 226682

BEAR LAKE COUNTY

04-16-2018 04:54:36 No. of Pages: 6

Recorded for: FIRST AMERICAN TITLE - MONTPELIER

Cindy Garner Fee: \$16.00

Ex-Officio Recorder Deputy: JH

Index to: WARRANTY DEED

AFTER RECORDING MAIL TO:

Bear Lake Beach LLC
1119 Roueche Lane
Kaysville, UT 84037

APN: 30000, 30402, 30000.02, 30701, 30702, 30000.01
30805, 30141, 30151, 30153, 30155 & 5553

CORPORATE SPECIAL WARRANTY DEEDFile No.: **20170287 (ab)**Date: **April 13, 2018**

For Value Received, **Hemmert Hot Springs, Inc. as to Parcels 1,2,3 and Hemmert Hot Springs, Inc., an Idaho Corporation successor in interest to Bear Lake Hot Springs, Inc. as to Parcel 4**, a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby grant, bargain, sell and convey unto **RJL, LTD, a Utah limited partnership as to an undivided 30% interest and DMKimball, LLC, a Utah limited liability company as to an undivided 30% interest and TCJ Development, LLC, a Utah limited liability company as to an undivided 10% interest and Jones Pierpont Property, LLC, a Utah limited liability company as to a 7.1% interest and Bear Lake Beach LLC, a Utah limited liability company as to an undivided 22.9% interest**, Grantee, whose address is **1119 Roueche Lane, Kaysville, UT 84037**, the following described real estate located in Bear Lake County, Idaho, to wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO current year's taxes, irrigation district assessments, public utility easements, subdivision and U.S. patent reservations.

Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises and that said premises are free from all encumbrances except that certain lease dated May 23, 2016 by and between Grantor and BLH Enterprises, Inc..

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and Secretary this 14 day of April, 2018.

Special Warranty Deed
- continuedFile No.: **20170287 (ab)**
Date: **04/13/2018**

Hemmert Hot Springs, Inc.

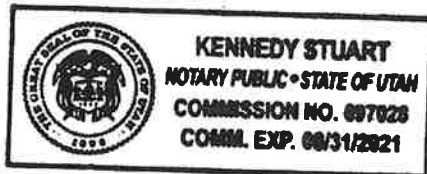
Diane Midkiff
By: Name: Diane Midkiff
Title: President

By: Name: Ellen V Martin
Title: Secretary

STATE OF Utah)
COUNTY OF Cache)
SS.

On this 14 day of April 2018, before me, a Notary Public in and for said State, personally appeared **Diane Midkiff**, known or identified to me to be the **President** of the corporation that executed the within 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.



Kennedy Stuart
Notary Public for the State of Utah

STATE OF Utah)
COUNTY OF _____)
SS.

On this _____, before me, a Notary Public in and for said State, personally appeared **Ellen V Martin**, known or identified to me to be the **Secretary** of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public for the State of Utah

Special Warranty Deed
- continuedFile No.: 20170287 (ab)
Date: 04/13/2018

Hemmert Hot Springs, Inc.

By: Name: Diane Midkiff
Title: President

Ellen V. Martin Hardman
By: Name: Ellen V Martin *Hardman EH*
Title: Secretary

STATE OF Utah)
COUNTY OF)
SS.

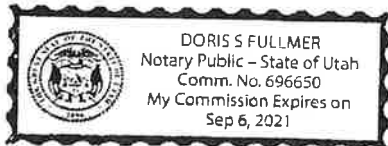
On this _____, before me, a Notary Public in and for said State, personally appeared **Diane Midkiff**, known or identified to me to be the **President** of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to 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.

Notary Public for the State of Utah

STATE OF Utah)
COUNTY OF Utah)
SS.

On this 4/14/18 *Hardman SF*, before me, a Notary Public in and for said State, personally appeared **Ellen V Martin**, known or identified to me to be the **Secretary** of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Doris S Fullmer
Notary Public for the State of Utah

Date: **April 13, 2018**File No.: **20170287 (ab)****EXHIBIT 'A'****LEGAL DESCRIPTION:****PARCEL #1:**

A parcel located in Lots 2 and 3 of Section 24, Township 15 South, Range 44 East, Boise Meridian, Bear Lake County, Idaho, and further described as follows:
Beginning at the Southeast Corner of said Lot 2; thence South 89°47'30" East 138.91 feet along the North line of said Lot 3 to a 5/8" rebar with cap set on the Westerly right of way fence line of the County Road; thence following said fence line through the following courses; South 10°37'21" East 99.95 feet; South 15°15'20" East 519.16 feet; South 13°56'55" East 196.62 feet to a 5/8" rebar with cap set at the intersection of said fence line with the boundary of the LAKE VIEW SUBDIVISION as approved on July 14, 1913, and recorded in the official records of Bear Lake County; thence along said Subdivision boundary North 32°51'47" West 542.21 feet (South 32°45' East 620 feet by record) to a 5/8" rebar with cap; thence South 57°08'13" West 427.18 feet (North 57°15' East 475 feet by record) along said Subdivision boundary to a 5/8" rebar with cap set at the Southeast Corner of the LAKE VIEW ADDITION SUBDIVISION as recorded under Instrument #38381 in the official records of Bear Lake County; thence North 53°36'47" West 141.00 feet along the East boundary of said LAKE VIEW ADDITION SUBDIVISION to a 5/8" rebar with cap; thence North 28°51'47" West 178.00 feet along said East boundary to a 5/8" rebar with cap; thence South 61°08'13" West 88.41 feet (North 61°15' East by record) along said Subdivision boundary to a 5/8" rebar with cap set on the high water line of Bear Lake, set at elevation 5923.65 feet (Utah Power and Light Datum); thence meandering along said high water line through the following courses, North 11°30'46" East 115.07 feet; North 32°51'54" East 122.93 feet; North 20°19'22" East 112.61 feet; North 21°01'16" West 98.62 feet; North 32°03'01" West 165.94 feet; North 36°47'00" West 282.80 feet to a 5/8" rebar with cap set on a fence line; thence North 89°42'27" East 749.32 feet along the South right of way fence line of the County Road to a 5/8" rebar with cap; thence South 00°24'06" East 414.18 feet along the East line of said Lot 2 to the True Point of Beginning.

PARCEL #2:

A parcel of land located in Lot 3 of Section 24, Township 15 South, Range 44 East of the Boise Meridian, Bear Lake County, Idaho, and further described as follows:
Beginning at the center of said Section 24, which is South 00°24'05" East 2621.88 feet from the North Quarter Corner of said Section 24; thence North 00°24'05" West 445.35 feet along the meridional center line of said Section 24; thence West 930.63 feet to the TRUE POINT OF BEGINNING, which is a 5/8" rebar with cap labelled "A.A. HUDSON, PLS 4735" set on the Westerly right of way fence of the County Road; thence South 14°19'56" East 309.43 feet along said fence line to a 5/8" rebar with cap; thence North 32°51'49" West 293.39 feet (South 32°45' East by record) along the boundary of the LAKE VIEW SUBDIVISION, as approved July 14, 1913 and recorded in the official records of Bear Lake County, to a

5/8" rebar with cap; thence North 57°08'13" East 98.35 feet (South 57°15' West by record) along said boundary to the True Point of Beginning.

PARCEL #3:

A parcel of land located in Lots 3 and 6 of Section 24, Township 15 South, Range 44 East of the Boise Meridian, Bear Lake County, Idaho, and further described as follows:
Beginning at the center of said Section 24, which is South 00°24'05" East 2621.88 feet from the North Quarter Corner of said Section 24; thence North 00°24'05" West 123.34 feet along the meridional center line of said Section 24; thence West 850.82 feet to the TRUE POINT OF BEGINNING, which is a 5/8" rebar with cap labelled "A.A. HUDSON, PLS 4735" set on the Westerly right of way fence of the County Road; thence South 13°42'05" East 280.74 feet along said fence line to a 5/8" rebar with cap; thence South 57°01'12" West 25.40 feet (South 57°15' West by record) along the boundary of the LAKE VIEW SUBDIVISION as approved July 14, 1913 and recorded in the official records of Bear Lake County, to a 5/8" rebar with cap; thence North 32°51'47" West 265.23 feet (North 32°45' West by record) along said Subdivision boundary to a 5/8" rebar with cap; thence North 57°08'13" East 117.55 feet (South 57°15' West by record) to the True Point of Beginning.

EXCEPT: A parcel of land located in Section 24, Township 15 South, Range 44 East, Boise Meridian, Bear Lake County, Idaho, and further described as follows: Beginning at the Northeast corner of Lot 3 of Block 5 of the Lakeview Plat, Hot Springs Townsite 1913 Survey; thence North 57°08'13" East 26.13 (East 50.6 feet plus or minus to a fence line by record) to a found rebar with cap labeled, PLS 4735 set on the Westerly right of way fence line of a County Road; thence South 14°17'21" East 81.47 feet along said right of way fence line to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173" set at the intersection of said right of way fence line and the east line of Lot 4 of said Block 5 of the Lakeview Plat, Hot Spring Townsite; thence North 32°51'46" West 77.17 feet along said east line of Lot 4 and the east line of said Lot 3 of Block 5 of the True Point of Beginning.

PARCEL #4:

Lots 3, 4, 5 in Block 1 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 2, 3, 4, 5, 6 and 7 in Block 2 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 3, 4 and 5 in Block 3 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1 and 2 in Block 4 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 3 and 4 in Block 6 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 4, 5, 6 and 7 in Block 7 of the LAKE VIEW TOWNSITE as platted and of record in the County of

Bear Lake, State of Idaho.

Lots 2, 3, 4, 5, 6 and 7 in Block 8 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 3, 5, 6 and 7 in Block 9 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 3, 4, 5, 6 and 7 in Block 10 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 3 and 4 in Block 11 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 3, 4 and 5 in Block 12 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

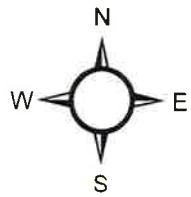
Lots 1, 2, 3, 4, 5, 6 and 7 in Block 13 of the LAKE VIEW TOWNSITE as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 3, 4 and 5 in Block 14 of the LAKE VIEW ADDITION Division XIV and XV as platted and of record in the County of Bear Lake, State of Idaho.

Lots 1, 2, 3, 4, 5, 6 and 7 in Block 15 of the LAKE VIEW ADDITION Division XIV and XV as platted and of record in the County of Bear Lake, State of Idaho.

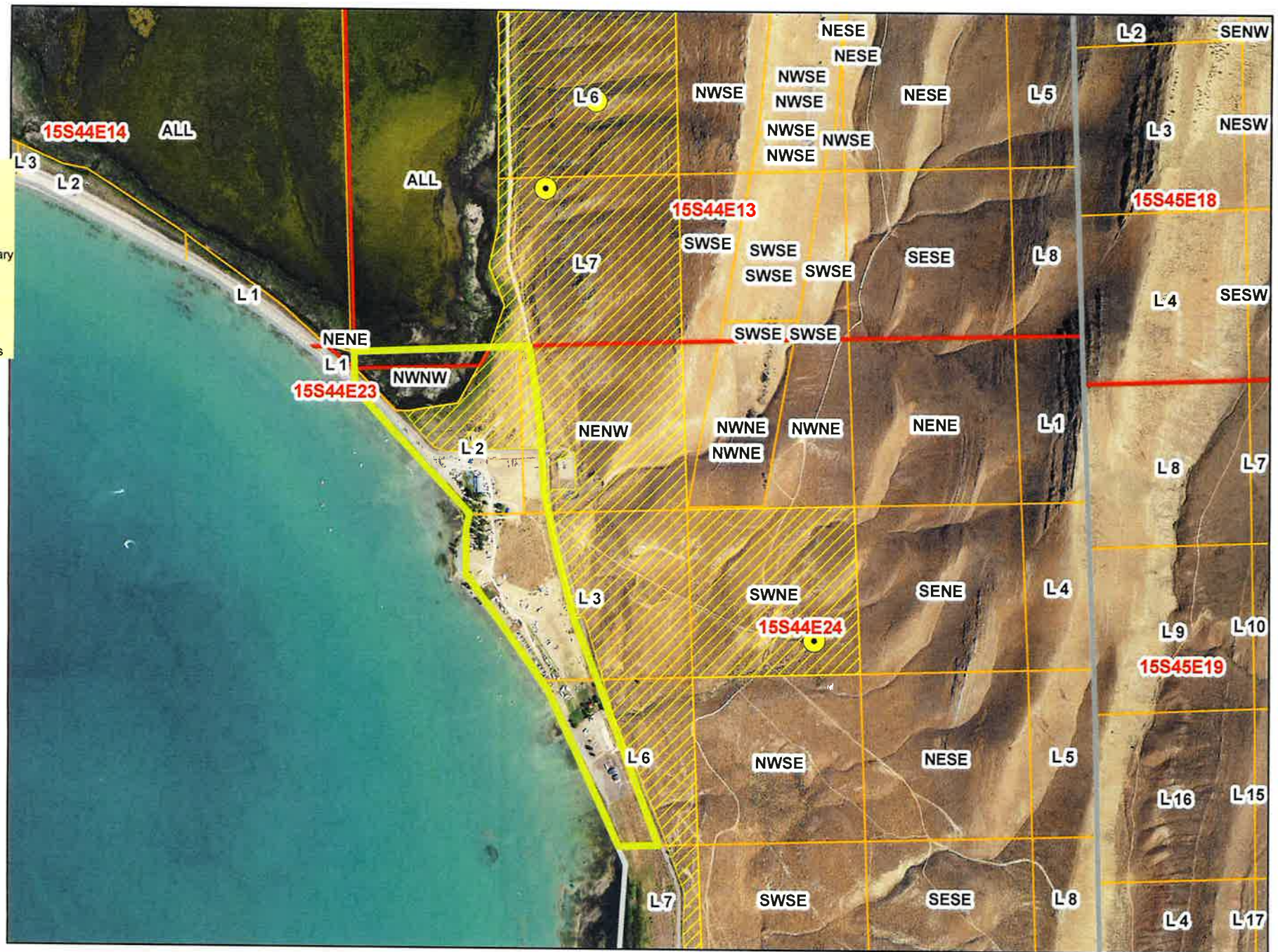
On all of the above-described parcels, to the extent of the Grantor's interest, together with any and all improvements thereon and rights-of way, easements, permits, approvals, contract rights, other appurtenances thereto, and water rights, including but not limited to Water Right Number 11-04239, except and reserving unto the Grantor a .03 CFS stockwater portion of said Water Right No 11-4239.

11-4239

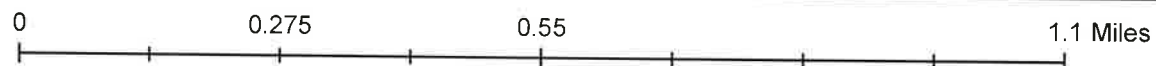


Legend

- 11-4239_PODs
- 11-4239_POU
- Property Boundary
- Levee
- TR Lines
- Section Lines
- Quarter Quarters



2017 Image





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

December 01, 2020

RJL LTD
DMKIMBALL LLC
TCJ DEVELOPMENT LLC
JONES PIERPONT PROPERTY LLC
BEAR LAKE BEACH LLC
1119 S ROUECHE LN
KAYSVILLE UT 84037-9000

Re: Change in Water Right Ownership: 11-4239 (Split into 11-4239 and 11-7868)

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: HOLDEN KIDWELL HAHN & CRAPO
HEMMERT HOT SPRINGS INC
WATER DISTRICT 11



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

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

RECEIVED
SEP 04 2020
Department of Water Resources
Eastern Region

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

September 4, 2020

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Re: Split of WR 11-4239.

Dear Jonie:

Enclosed for processing is a completed *Notice of Change in Water Right Ownership* that splits WR 11-4239 (which is currently a statutory claim) in accordance with the amounts set forth in the enclosed *Corporate Special Warranty Deed* recorded as Instrument No. 226682. On page 3 of this deed, it expressly provides that the entirety of WR 11-4239 is to be conveyed to my clients, except a reserved portion retained by Hemmert Hot Springs, Inc. of the 0.03 cfs stockwater portion of this water right. The 0.03 cfs stockwater portion is the entirety of the stockwater component of this right. Accordingly, the domestic and recreation components of WR 11-4239 are now owned by my clients. Both of these uses are associated with what is commonly called the Bear Lake Hot Springs facility, which my clients have purchased. With the retention of the stockwater portion, it should remain appurtenant to the stockwater legal description contained in this statutory claim. As to the other components of this right, as stated above, they are associated with property now owned by my clients. For reference purposes, I have included a map, although, the property boundaries as I have depicted are only approximate.

Because this water right is being split, we have included the required \$100.00 filing fee. If you have any questions or concerns regarding this matter, please do not hesitate to give me a call. We appreciate your assistance.

Best regards,

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

Enclosures

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Established in 1896