

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 19 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
33-107 <i>OK</i>	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"/>		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: ECD Inc., aka as ECD, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Sawmill Creek, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 10248 Turner Drive Middleton ID 83644
Mailing address City State ZIP
- 208-941-9737 dave.turner122@yahoo.com
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: June 16, 2020
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: Dave W. Turner Member 6/15/2020
 Signature of new owner/claimant Title, if applicable Date

Signature: [Signature] Member 6/15/2020
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 6/19/20 Receipt No. E046034 Receipt Amt. \$25.-

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 CR Date 6/24/2020

Instrument # 0000320083 # Pages: 4
LEMHI COUNTY, Idaho
Jun 16, 2020 10:27 AM Fee: \$ 15.00
For: Alliance Title - Salmon Office
BRENDA ARMSTRONG, Recorder

AFTER RECORDING MAIL TO:

Sawmill Creek LLC
10248 Turner Drive
Middleton, ID 83644

Instrument # 258187
CHALLIS, CUSTER, IDAHO
06-16-2020 10:53:20 No. of Pages: 4
Recorded for: ALLIANCE TITLE - SALMON OFFICE
Lura H. Baker Fee: \$15.00
Ex-Officio Recorder Deputy: TH

WARRANTY DEED

File No.: 4102-3476026 and #489454 (PC)

Date: **June 11, 2020**

For Value Received, **ECD, LLC, a Nevada limited liability company, who acquired title as ECD, Inc., a Nevada Corporation**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Sawmill Creek LLC, an Idaho limited liability company**, hereinafter referred to as Grantee, whose current address is **10248 Turner Drive, Middleton, ID 83644**, the following described premises, situated in **Lemhi County and Custer County** County, **Idaho**, to wit:

Legal Description attached hereto as Exhibit A, and by this referenced Incorporated herein. (Lemhi County and Custer County)

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto 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.

APN:

Warranty Deed
- continued

File No.: 4102-3476026 (PC)
Date: 06/11/2020

ECD, LLC , a Nevada limited liability company

By: Michelle D Praggastis
Name: Michelle D. Praggastis
Title: Manager

STATE OF Idaho)
COUNTY OF ~~Ada~~ BLAINE)
ss.

This record was acknowledged before me on JUNE 12, 2020 by Michelle D. Praggastis as Manager of ECD, LLC, a Nevada limited liability company.



[Signature]
Signature of Notary Public
My Commission Expires: _____

File No. 489454

Exhibit 'A'**Parcel I:**

A tract of land with the Lemhi National Forest in Unsurveyed Sections 7, 8, 17, and 18, Township 12 North, Range 26 East, Boise Meridian, lying in both Lemhi County and Custer County, Idaho, embraced in H.E. Survey No. 265, Lists #4-1109 and 4-1709, described by metes and bounds as follows:

Beginning at Corner No. 1 from whence the corner common to Sections 3, 4, 33 and 34, TWP, 11, and 12 North, Range 26 E., Boise Meridian bears South 22°32' East 280.30 chains distant; Thence North 24°41' West 47.38 chains to corner no. 2; Thence North 56°8' West 32.13 chains to corner no. 3; Thence North 86°33' West 10.90 chains to corner no. 4; Thence South 34°39' West 7.03 chains to corner no. 5; Thence South 39°39' East 79.44 chains to corner no. 6; Thence North 63°25' East 11.92 chains to Corner No. 1, the Place of Beginning...

Parcel II:

Homestead Entry Survey No. 156 embracing a portion of Sections 27, 28, 33 and 34, in Township 12 North, Range 26 East of the Boise Meridian, Lemhi Co, Idaho, unsurveyed

Beginning at Corner No. One, from which the Northeast corner of Section 4, Township 11 North, Range 26 East of the Boise Meridian bears South 45°15' West 25.56 chains; thence North 26°36' West 19.3 chains to Corner No. 2; thence South 72°48' West 6 chains to Corner No. 3; thence North 18°09' West 47 chains to Corner No. 4; thence North 73°08' East 25.77 chains to Corner No. 5; thence South 18°16' East 4.77 chains to Corner No. 6; thence South 6°09' East 7.98 chains to Corner No. 7; thence South 17°40' East 33.96 chains to Corner No. 8; thence South 29°51' East 19.53 chains to Corner No. 9; thence South 72°36' West 18.94 chains to Corner No. 1, the Place of Beginning.

EXCEPTING THEREFROM:

Beginning at a point on the property line between Corners No. 1 and No. 9 of H.E.S. 156, which point lies South 72°36'00" West, 107.76 feet from Corner No. 9; thence South 72°36'00" West, 51.47 feet to the intersection of the Westerly right-of-way line with the property line between Corners No. 1 and No. 9; thence North 31°06'57" West, 13.13 feet; thence along a curve to the right with a radius of 1,625 feet, through a central angle of 9°10'57" for a distance of 260.43 feet; thence North 21°56'00" West, 1061.31 feet; thence North 18°07'48" West, 1,239.58 feet; thence North 15°09'16" West, 440.18 feet to the intersection of the Westerly right-of-way line with the property line between Corner No. 7 and No. 8 of H.E.S. 156, which point lies South 17°40'00" East, 493.08 feet from Corner No. 7; thence South 17°40'00" East, 1,748.28 feet along the property line to Corner No. 8; thence South 29°51'00" East, 333.16 feet to the intersection of the Easterly right-of-way line with the property line between Corners No. 8 and No. 9 of H.E.S. 156; thence South 21°56'00" East, 661.85 feet; thence on a curve to the left with a radius of 1,575 feet, through a central angle of 9°10'57" for a distance of 252.42 feet; thence South 31°06'57" East 25.33 feet to the Point of Beginning, for a road right-of-way.

ALSO EXCEPTING THEREFROM:

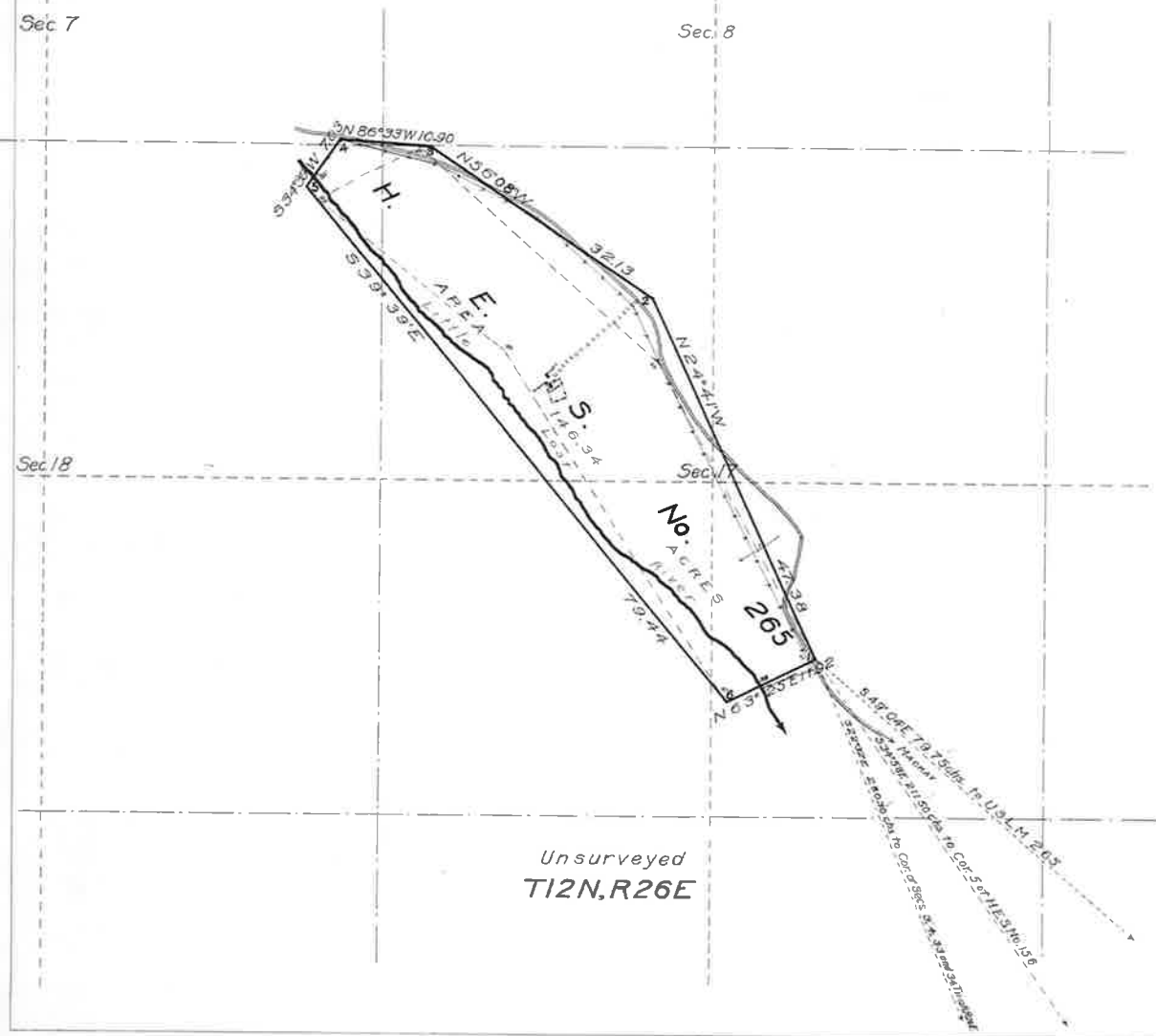
Beginning at a point on the property line between Corners No. 6 and No. 7 of H.E.S. 156, from which point Corner No. 7 lies South 6°00'00" East, 199.74 feet; thence North 12°05'36" West, 638.18 feet to Corner No. 5 of H.E.S. 156; thence South 18°16'00" East, 314.82 feet to Corner No. 6; thence South 6°09'00" East, 326.94 feet to the Point of Beginning, for a road right-of-way...

TRACT I

Sec 7

Sec 8

Sec 18

Unsurveyed
T12N, R26E

Plat of
HOMESTEAD
ENTRY SURVEY
 No. 265
 in the
LEMHI
NATIONAL FOREST
 in
 Sections 7, 8, 18 unsurveyed T12N, R26E
 of the
BOISE BASE AND MERIDIAN
IDAHO

This plat of Homestead Entry Survey
 No. 265 State of Idaho is strictly
 conformable to the field notes thereof
 on file in this office, which have been
 examined and approved.

U.S. Surveyor General's Office

Boise, Idaho

December 24, 1915.

Samuel A. Ulter

U.S. Surveyor General

SCALE 10 chains to 1 inch

Survey Designated	By whom Surveyed	Inst. Cont. Group No.	When Surveyed: Date	When Surveyed: Begun	When Surveyed: Completed	Date of Approval
NEW Bdy T11N, R26E	Gordon C. Smith	317	May 12, 1909	July 2, 1909	July 8, 1909	March 2, 1910
HES No. 156	W.B. Rice, Forest Assistant	156	July 30, 1913	Aug. 24, 1913	Aug. 23, 1913	April 18, 1914
H.E. Survey No. 265	John C. Brown Surveyor-Draftsman Forest Service		July 14, 1914	July 22, 1914	July 24, 1914	

Areas in Acres	
H.E. Survey No. 265	Conflicts
See Section 1 noted	113.54
See Section 16 to be listed	32.80
In Section	
In Section	
Total	146.34

Act of June 11, 1906	Act of June 30, 1914
List No. 4-1109	Dated December 8, 1912
List No. 4-1709	Dated May 8, 1915
Latitude 43° 23' N	
Longitude 113° 21' W	
Mean Mag. Decl. 19° 40' E	
At Corner No. 1	

Accepted Aug. 7, 1916

Patty Chupp

From: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Sent: Thursday, June 11, 2020 4:50 PM
To: Patty Chupp
Subject: [External] RE: Additional Sawmill Water Right Information
Attachments: WR Report 33-107.pdf; notice-of-change-of-water-right-ownership.pdf

Hi Patty,

I've attached the most recent copy of the water right report for that water right, as well as a copy of our Change in Ownership form. The information I have shows that water right 33-107 applies to a 113-acre property at 1128 Sawmill Creek Rd. I don't see any other water rights relevant to that property.

If your client would like to have the property changed to their ownership, they'd need to fill out the Change in Ownership form and submit it with the appropriate fee (\$25 if they're claiming the entire water right, \$100 if the water right will be split) and a copy of their deed to the department to be processed.

It also looks like that water right is under the jurisdiction of the Eastern regional office, so they'd be the right folks to talk to if you have any further questions, as well as the office the ownership change paperwork should be sent to. Their phone number is 208-525-7161.

If there's anything else I can help you with, please let me know.

Have a great evening,

Lynne Evans | Office Specialist II
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

From: Patty Chupp [mailto:pchupp@firstam.com]
Sent: Thursday, June 11, 2020 3:36 PM
To: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Subject: Additional Sawmill Water Right Information

This is a sale

-- Patty Chupp -- 208-501-7671

<https://www.firstam.com/covid-19-update>

From: Tom Praggastis <tom@tcplaw.net>
Sent: Thursday, June 11, 2020 3:19 PM

6/11/2020

Water Right Report

IDAHO Department of Water Resources



WATER RIGHT REPORT

6/11/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 33-107

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ECD INC C/O HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83405 2085230620
Original Owner	EDWARD E QUIGLEY
Priority Date:	06/15/1918
Basis:	Decreed
Status:	Active

<u>Source</u>	<u>Tributary</u>
SAWMILL CREEK	LITTLE LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	7/10	1.6 CFS	225.4 AFA
Total Diversion			1.6 CFS	225.4 AFA

Location of Point(s) of Diversion:

SAWMILL CREEK|SWNWNE|Sec. 07|Township 12N|Range 26E|LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	26E	7		SESE	0.9									
		8		SWSW	1.6									
		17		SWNE	0.6									
				NENW	6.9		NWNW	24.9		SWNW	3.6		SENE	22.6
				NESW	9.9									

6/11/2020

Water Right Report

			NWSE	12.5		SWSE	0.3						
	18		NENE	0.3									

Total Acres: 84.1

Conditions of Approval:

1. 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. SECTION 42-1412(6), IDAHO CODE.
2. PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 265. THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 33.
3. C02 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 08/11/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 33

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

8/11/2020

Water Right Report

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 33-00107

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. I.C. SECTION 42-1412(6).

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

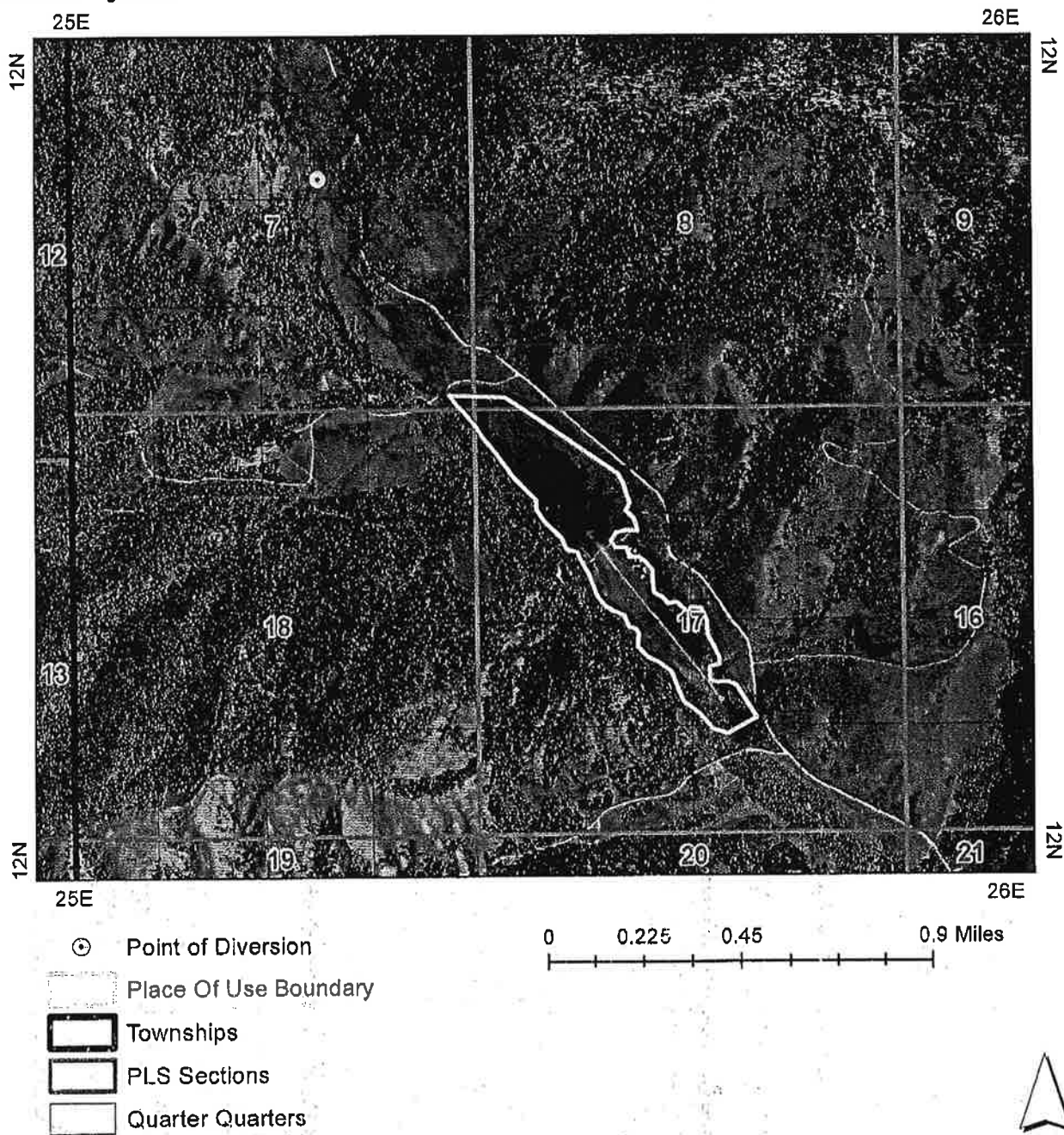
PAGE 1
Aug-07-2000

State of Idaho
Department of Water Resources

Water Right
33-107

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map produced on April 02, 2018

File No. 489454

Exhibit 'A'

Parcel I:

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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

June 24, 2020

SAWMILL CREEK LLC
10248 TURNER DR
MIDDLETON ID 83644-5220

Re: Change in Ownership for Water Right No(s): 33-107

Dear Water Right Holder(s):

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

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) 497-3779.

Sincerely,

Cher Ramos
Technical Records Specialist

Enclosure(s)

cc: Water District 33