

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 03 2019
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?
34-363	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-760	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Herb Whitworth
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): BBB Assets, LLC, M. Robert Ching, Manager
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|--------------------------|----------------------------|-----------|--------------|
| <u>150 Limelight Way</u> | <u>Oroville</u> | <u>CA</u> | <u>95966</u> |
| Mailing address | City | State | ZIP |
| <u>(530) 321-8114</u> | <u>mrchingmd@gmail.com</u> | | |
| 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: July 2006
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.
- SUPPORT DATA
IN FILE # 34-363

8. Signature: *Michael Chung* Manager 8/26/2019
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 9/3/2019 Receipt No. E045290 Receipt Amt. \$50 -
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 MH Processed by MH Date 9/4/19



Order No. 3070603800

234995

Custer County Req. of

AMERITITLE

Time 3:00 P.M. Date 9/20/2006

Ethel M. Peck, Clerk

Ruth Brunner \$ 3.00
Deputy

WARRANTY DEED

For Value Received,

Herbert H. Whitworth, LLC, an Idaho Limited Liability Company

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

BBB Assets LLC, a Delaware limited liability company,

GRANTEE(s), whose address is: **150 Limelight Way, Oroville, CA 96966**

the following described real property, to-wit:

The Southeast Quarter Southeast Quarter Section 3, and the Southwest Quarter Southwest Quarter Section 2, Township 8 North, Range 22 East, Boise Meridian, Custer County, Idaho.

PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 14 day of September, 2006.

Herbert H. Whitworth, LLC, an
Idaho limited liability company

BY:

Herbert H. Whitworth
Herbert H. Whitworth, Manager

BY:

Sharon Whitworth
Sharon Whitworth, Manager

State of

Idaho

}

County of

Blaine

} ss.

}

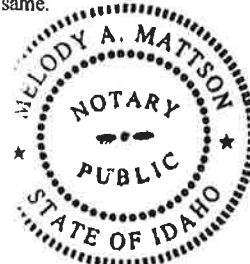
On this 14 day of September in the year 2006, before me, the undersigned, personally appeared **Herbert H. Whitworth and Sharon Whitworth** known or identified to me to be the managers of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

WITNESS my hand and official seal.

Notary Public

Commission Expires:

4.3.2009



247861

Custer County Rec. of

Herbert H. Whitworth

Time 10:55 A.M. Date 9/9 2013

Barbara C. Tierney, Clerk

Christy Foster \$13.00
Deputy

QUITCLAIM AND CORRECTION DEED

Whereas, Herbert H. Whitworth, LLC sold certain land and other real property to BBB Assets LLC by warranty deed dated September 14, 2006;

Whereas, that property is more particularly described as the Southeast Quarter of the Southeast Quarter of Section 3 and the Southwest Quarter of the Southwest Quarter of Section 2, all of Township 8 N., Range 22 E. Boise Meridian, Custer County, Idaho (referred to as the "Property" in this document).

Whereas, there was confusion about what water rights, including those owned by Herb Whitworth Jr., were being conveyed to BBB Assets LLC through that deed and what water rights were being kept by the grantor, Herbert H. Whitworth, LLC and Herb Whitworth Jr.; and

Whereas, the parties intend to clarify through this document that the only water rights conveyed are a portion of water right number 34-00363, amounting to 0.61 CFS (30.5 inches) appurtenant to the permissible place of use encompassing that Property, and a portion of water right number 34-00760, amounting to 1.08 CFS (54 inches) appurtenant to the permissible place of use encompassing that Property;

THEREFORE, FOR VALUE RECEIVED and acknowledged, Herbert H. Whitworth, LLC, an Idaho Limited Liability Company, and Herb Whitworth Jr., whose current address is 5425 Highway 93, Mackay, Idaho 83251, do hereby convey, release, remise and forever quit claim unto BBB Assets LLC, a Delaware limited liability company, whose current address is 150 Limelight Way, Oroville, CA 96966, all rights, title, or other interest in that portion of water right number 34-00363, amounting to 0.61 CFS (30.5 inches) appurtenant to the permissible place of use encompassing that Property, and a portion of water right number 34-00760, amounting to 1.08 CFS (54 inches) appurtenant to the permissible place of use encompassing that Property, situated in Custer County, Idaho,

Excepted from this conveyance and relinquishment of rights any other water rights, including but not limited to the following rights: 34-10164, 34-00766, , 34-12401, 34-00755, 34-10167, 34-00764, 34-11583, 34-00757, 34-00363, 34-10166, 34-00758, 34-00364, 34-12408, 34-10165 (which has been split into 34-14020 and 34-14019) and the remaining portions of 34-00760 and 34-00363 (which are being conveyed to M. Robert Ching and Phyllis J. Ching, Trustees of the Ching Revocable Trust Agreement dated September 7, 2000, and HCRSD, LLC, a Hawaii limited liability company).

247861

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: 9/4/13

THE HERBERT H. WHITWORTH, LLC, an Idaho
Limited Liability Company

By: Herbert H Whitworth
HERBERT H. WHITWORTH, Manager

By: Sharon Whitworth
SHARON WHITWORTH, Manager

Date: 9/4/13

Herbert H Whitworth
HERB WHITWORTH, JR.

State of Idaho)
County of Custer) S.S.

On this 4 day of September, in the year 2013, before me, the undersigned Notary in and for said State, personally appeared HERBERT H. WHITWORTH and SHARON WHITWORTH, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within instrument, and acknowledged that he(she)(they) executed the same.

Elena A. Marinac
Notary Public
My Commission Expires on 9-2018
ELEN A. MARINAC
NOTARY PUBLIC
STATE OF IDAHO

State of Idaho)
County of Custer) S.S.

On this 4 day of September, in the year 2013, before me, the undersigned Notary in and for said State, personally appeared HERB WHITWORTH, JR, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within instrument, and acknowledged that he(she)(they) executed the same.

Elena A. Marinac
Notary Public
My Commission Expires on 9-2018
ELEN A. MARINAC
NOTARY PUBLIC
STATE OF IDAHO

247864

Custer County Rec. of

Herbert H. Whitworth

Time 10:55 A.M. Date 9/9, 2013

Barbara C. Torrey, Clerk

Christy F. Davis \$16.00
Deputy

QUITCLAIM AND CORRECTION DEED

Whereas, Herbert H. Whitworth, LLC sold certain land and other real property to BBB Assets LLC by warranty deed dated September 14, 2006;

Whereas, that property is more particularly described as the Southeast Quarter of the Southeast Quarter of Section 3 and the Southwest Quarter of the Southwest Quarter of Section 2, all of Township 8 N., Range 22 E. Boise Meridian, Custer County, Idaho (referred to as the "Property" in this document).

Whereas, there was confusion about what water rights, including those owned by Herb Whitworth Jr., were being conveyed to BBB Assets LLC through that deed and what water rights were being kept by the grantor, Herbert H. Whitworth, LLC and Herb Whitworth Jr.; and

Whereas, the parties intend to clarify through this document that the only water rights conveyed are a portion of water right number 34-00363, amounting to 0.61 CFS (30.5 inches) appurtenant to the permissible place of use encompassing that Property, and a portion of water right number 34-00760, amounting to 1.08 CFS (54 inches) appurtenant to the permissible place of use encompassing that Property;

THEREFORE, FOR VALUE RECEIVED and acknowledged, BBB Assets LLC, a Delaware limited liability company, whose current address is 150 Limelight Way, Oroville, CA 96966, does hereby convey, release, remise and forever quit claim unto Herbert H. Whitworth, LLC, an Idaho Limited Liability Company, and Herb Whitworth Jr., whose current address is 5425 Highway 93, Mackay, Idaho 83251, all rights, title, or other interest in any water rights appurtenant to the Property, situated in Custer County, Idaho, including but not limited to the following rights: 34-10164, 34-00766, , 34-12401, 34-00755, 34-10167, 34-00764, 34-11583, 34-00757, 34-00363, 34-10166, 34-00758, 34-00364, 34-12408, 34-10165 (which has been split into 34-14020 and 34-14019) and the remaining portions of 34-00760 and 34-00363 (which are being conveyed to M. Robert Ching and Phyllis J. Ching, Trustees of the Ching Revocable Trust Agreement dated September 7, 2000, and HCRSD, LLC, a Hawaii limited liability company).

Excepted from this conveyance and relinquishment of rights is that portion of water right number 34-00363, amounting to .61 CFS and appurtenant to the Property and that portion of water right number 34-00760, amounting to 1.08 CFS appurtenant to the Property.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF Butte)

On Aug. 21, 2013 before me, Windy Hill, Notary Public
DATE INSERT NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC

personally appeared, Marshall Robert Ching

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Windy Hill (SEAL)
NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION

THIS OPTIONAL INFORMATION SECTION IS NOT REQUIRED BY LAW BUT MAY BE BENEFICIAL TO PERSONS RELYING ON THIS NOTARIZED DOCUMENT.

TITLE OR TYPE OF DOCUMENT Quitclaim and Correction Deed

DATE OF DOCUMENT 8/21/13 NUMBER OF PAGES 2

SIGNERS(S) OTHER THAN NAMED ABOVE N/A

SIGNER'S NAME _____ SIGNER'S NAME _____

RIGHT THUMBPRINT

RIGHT THUMBPRINT



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

September 05, 2019

BBB ASSETS LLC
150 LIMELIGHT WAY
OROVILLE CA 95966-9282

Re: Change in Ownership for Water Right No(s): 34-363 & 34-760

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) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: Water District 34