

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 28 2019

WATER RESOURCES
WESTERN 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?
67-14496	Yes ☐	Yes ☐		Yes ☐	Yes ☐
67-7029	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Airdog, LLC, a Washington limited liability company
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Council Greens, LLC, A Washington limited liability company
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 950 Pacific Avenue, Suite 710 Tacoma WA 98402
Mailing address City State ZIP
253-272-3654 speedracer@firsmgt.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: May 6, 2019
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: [Signature] Manager, Council Greens, LLC 6/25/19
Signature of new owner/claimant Title, if applicable Date
Signature: _____
Signature of new owner/claimant Title, if applicable Date

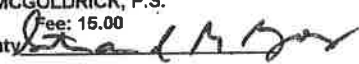
For IDWR Office Use Only:

Received by KT Date 6/28/19 Receipt No. W047546 Receipt Amt. \$50.00
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 X Approved by KT Processed by KT Date 7/23/19

Filed for Record at Request of:

Mark E. Holcomb
Morton McGoldrick, PLLC
820 "A" Street, Suite 600
P. O. Box 1533
Tacoma, WA 98401

Instrument # 133689

COUNCIL, ADAMS, IDAHO
5-6-2019 03:46:27 PM No. of Pages: 3
Recorded for : MORTON MCGOLDRICK, P.S.
SHERRY WARD Fee: 15.00
Ex-Officio Recorder Deputy 
Index to: DEED

GRANT DEED

This Grant Deed is made this 5 day of May, 2019, between FIRS Management, LLC, a Washington limited liability company ("Grantor"), and Council Greens, LLC, a Washington limited liability company, whose address is 950 Pacific Avenue, Suite 710, Tacoma, WA 98402 ("Grantee"), witnesseth:

The Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, does, by these presents, grant, bargain, sell and convey unto Grantee and its successors and assigns forever, all the following described real estate situated in the County of Adams, State of Idaho ("Property"):

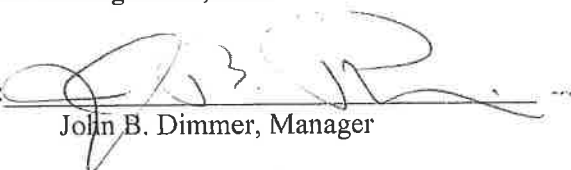
SEE ATTACHED SCHEDULE I ATTACHED HERETO AND INCORPORATED HEREIN.

Together with all and singular tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, including any rights as successor declarant under covenants, conditions, restrictions and easements for the Property pursuant to instrument dated March 3, 2008 and recorded under Adams County Recording No. 116102, except as expressly provided otherwise herein.

Grantor's covenants or warranties with respect to title, express or implied, are those, and only those, implied by use of the word "grant" as set forth in Idaho Code § 55-612 and that the above described real property is free from all monetary liens or encumbrances created, granted, caused or suffered by Grantor. Excepting all monetary liens or encumbrances created, granted, caused or suffered by Grantor, the grant herein is subject to all matters of record and appearing on the face of the land.

Grantor:

FIRS Management, LLC

By: 

John B. Dimmer, Manager

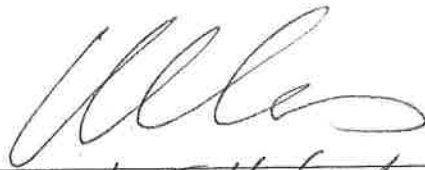
STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that **John B. Dimmer** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as **Manager of FIRS MANAGEMENT, LLC**, to be the free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 3 day of May, 2019.



Notary Seal


Mark E Holcomb (Name)
NOTARY PUBLIC in and for the State of
Washington residing at: Tacoma
My Commission Expires: 09/19/19

SCHEDULE I

Block B, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59;

Block C, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19;

Block D, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19; and

Block E, Lots 1 & 99, COUNCIL GREENS 2007 SUBDIVISION; Adams County, Idaho, according to the official plat thereof, recorded March 3, 2008 as Instrument No. 116103 in Book 3 of Plats Page 24, official records of Adams County, Idaho

Instrument # 130525

COUNCIL, ADAMS, IDAHO

1-12-2017 01:56:36 PM No. of Pages: 3

Recorded for : HAWLEY TROXELL

SHERRY WARD

Ex-Officio Recorder Deputy

Index to: DEED

Fee: 16.00

Recording Requested By and
When Recorded Return to:

Firs Management, LLC
1019 Pacific Avenue, Suite 916
Tacoma, Washington, 98402

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GRANT DEED

This Grant Deed is made this 28th day of December, 2016, between Airdog, LLC, a Washington limited liability company ("Grantor"), and Firs Management, LLC, a Washington limited liability company, whose address is 1019 Pacific Avenue, Suite 916, Tacoma, Washington, 98402 ("Grantee"), witnesseth:

That Grantor, for good and valuable consideration, the receipt whereof is hereby acknowledged, does, by these presents, grant, bargain, sell and convey unto Grantee and its successors and assigns forever, all the following described real estate situated in the County of Adams, State of Idaho:

SEE SCHEDULE I ATTACHED HERETO AND INCORPORATED HEREIN

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein.

Grantor's covenants or warranties with respect to title, express or implied, are those, and only those, implied by use of the word "grant" as set forth in Idaho Code § 55-612 and that the above described real property is free from all monetary liens or encumbrances created, granted, caused or suffered by Grantor. Excepting all monetary liens or encumbrances created, granted, caused or suffered by Grantor, the grant herein is subject to all matters of record and appearing on the face of the land.

GRANTOR:

Airdogs, LLC

By:

Managing Member


Bradley Hughes,

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Riverside)

On 28th December 2016 before me, Nina Hopkins Notary Public, personal appeared

Bradley Hughes

Who provided 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), of the entity upon behalf of which the person(s) acted, executed the Instrument.

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



WITNESS my hand and official seal.

Signature

Nina Hopkins

SCHEDULE I

Block B, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, ~~36, 37, 38~~, 39, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59;

Block C, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19;

Block D, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19; and

Block E, Lots 1 & 99, COUNCIL GREENS 2007 SUBDIVISION, Adams County, Idaho, according to the official plat thereof, recorded March 3, 2008 as Instrument No. 116103 in Book 3 of Plats Page 24, official records of Adams County, Idaho.

GRANT DEED - 1

46892.0001.8562128.1

COPY

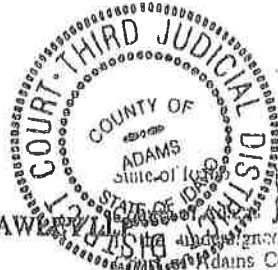
Instrument # 130541
COUNCIL, ADAMS, IDAHO
1-18-2017 04:03:57 PM No. of Pages: 5
Recorded for : HAWLEY TROXELL
SHERRY WARD
Ex-Officio Recorder Deputy
Index to: JUDGMENT

FILED

JAN 11 2017

3:00 pm

SHERRY WARD, CLERK



Certified
COPY

Lynnette M. Davis, ISB No. 5263
Beth Coonts, ISB No. 7700
HAWLEY TROXELL ENNIS & HAWLEY
877 Main Street, Suite 1000
P.O. Box 1617
Boise, ID 83701-1617
Telephone: 208.344.6000
Facsimile: 208.954.5213
Email: ldavis@hawleytroxell.com
bcoonts@hawleytroxell.com

I, the undersigned Recorder and Clerk of the District
Court of Adams County, State of Idaho, do hereby certify
that the foregoing instrument is a true and correct copy of
the original on file in my office and in my custody.
IN WITNESS WHEREOF, I have hereunto set my hand and
my official seal on this 17th day of January
2017

SHERRY WARD

Clerk of the District Court
and County Recorder

Deputy

Attorneys for Plaintiff /Counter-Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

FIRS MANAGEMENT, LLC, a Washington
limited liability company,

Plaintiff/Counter-Defendant,

vs.

AIRDOG, LLC, a Washington limited liability
company; BRADLEY HUGHES, an
Individual; BECKNA ENTERPRISES, LLC,
an Arizona limited liability company; and any
and all unknown owners or unknown heirs or
unknown devisees of any deceased person
claiming any right, title or interest in and to
any or all of the property which is the subject
of this action, and any other person or other
entity who has or may have an interest in and
to the property which is the subject of this
action, referred to for convenience by the
fictitious designations of DOES I through XX,

Defendants/Counter-Claimants.

Case No. CV 2014-3268

AMENDED JUDGMENT

They do not
need those
they just need the
most current
deed

AMENDED JUDGMENT - 1

46892.0001.8168168.7

JUDGMENT IS ENTERED AS FOLLOWS:

1. Plaintiff/Counter-Defendant Firs Management, LLC's ("Firs") sixth count for judicial dissolution is granted and Airdog, LLC ("Airdog") is hereby dissolved.
2. Firs' ninth count for declaratory judgment is granted and it is hereby declared that (a) Firs' advances to Airdog were a loan; (b) Firs is the sole creditor of Airdog; (c) as the sole creditor, Firs is hereby awarded all of the assets of Airdog; and (d) Firs is hereby conveyed all right, title, and interest in the assets of Airdog including, without limitation, the real property more particularly described as follows:

Block B, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59;

Block C, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19;

Block D, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19; and

Block E, Lots 1 & 99, COUNCIL GREENS 2007 SUBDIVISION, Adams County, Idaho, according to the official plat thereof, recorded March 3, 2008 as Instrument No. 116103 in Book 3 of Plats Page 24, official records of Adams County, Idaho,

(collectively, "Airdog Lots"). Defendants/Counterclaimants Bradley Hughes ("Hughes") and BeckNa Enterprises, LLC ("BeckNa"), and the law firm of Holland & Hart LLP are not creditors of Airdog and are not entitled to any assets of Airdog. Airdog, Hughes, and BeckNa will cooperate with Firs in the transfer of all of Airdog's assets, including, without limitation, the Airdog Lots, to Firs or its assigns.

3. Firs' (a) first count for breach of contract/anticipatory breach; (b) second count for preliminary injunction; (c) third count for declaratory judgment; (d) fourth count for

foreclosure of lien/mortgage; (e) fifth count for deficiency judgment; (f) seventh count for intentional misconduct; and (g) eighth count for breach of fiduciary duty set forth in its First Amended Complaint are dismissed with prejudice.

4. Hughes and BeckNa's (a) second count for quantum meruit; and (b) third count for unjust enrichment set forth in their Counterclaim are dismissed with prejudice.

5. Airdog, Hughes, and BeckNa's request for a declaratory judgment set forth in count one of their Counterclaim is granted in part and denied in part. Specifically, with respect to Defendants' requests for a declaratory judgment:

- a) Defendants' request for a declaration that no written operating agreement governs Airdog is hereby dismissed with prejudice;
- b) It is hereby declared that no mortgage, lien, deed of trust, or other security interest encumbers any of the Airdog Lots;
- c) Defendants' request for a declaration that no mortgage, lien deed of trust, or other security interest encumbers any other property of Airdog is hereby dismissed with prejudice;
- d) Defendants' request for a declaration the members of Airdog never agreed to provide one member seniority or priority over the other members of Airdog is hereby dismissed with prejudice;
- e) It is hereby declared that Hughes' and BeckNa's member contributions to Airdog was their time, energy, and services related to developing the Airdog Lots;
- f) Defendants' request for a declaration that First member contribution to Airdog was the cash proceeds to develop the Airdog Property into the Airdog Lots is hereby dismissed with prejudice; and
- g) Defendants' request for a declaration that Hughes and Beckna are entitled to their share of Airdog's Assets consistent with their respective ownership interest in Airdog is hereby dismissed with prejudice.

DATED THIS 18th day of January, 2017.



Hon. Christopher S. Nye
District Judge



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 16, 2019

COUNCIL GREENS LLC
950 PACIFIC AVE STE 710
TACOMA WA 98402-4494

RE: Water Right Change in Ownership No(s): 67-14496, 67-7029

Dear Interested Parties:

The Department of Water Resources (Western) acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

_____ Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

During our review of the documentation you submitted we found discrepancies between current owner of the water right and the current owner on the Grant Deed. The water right owner is currently listed as Airdog LLC which was written on the water right form; however, the Grand Deed has the previous owner as Firs Management LLC. Because this is a Grant Deed, the department requires a chain of title to show the property going from Airdog LLC to Firs Management LLC in order finish processing the Change in Ownership for Council Greens LLC.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days (8/16/19) we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft'.

Kensie Thorneycroft
Office Specialist 2

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 24, 2019

COUNCIL GREENS LLC
950 PACIFIC AVE STE 710
TACOMA WA 98402-4494

Re: Change in Ownership for Water Right No(s): 67-7029, 67-14496

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) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', written over a light blue horizontal line.

Kensie Thorneycroft
Office Specialist 2

Enclosure(s)