

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 11 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?
34-97 OK	Yes ☐	Yes ☐	34-10251 OK	Yes ☐	Yes ☐
34-99 OK	Yes ☐	Yes ☐	34-24 OK	Yes ☒	Yes ☐
34-7140 OK	Yes ☐	Yes ☐	34-26 OK	Yes ☒	Yes ☐
34-10250 OK	Yes ☐	Yes ☐	34-54 OK	Yes ☒	Yes ☐
34-56 OK	Yes ☐	Yes ☐	34-55A OK	Yes ☒	Yes ☐

2. Previous Owner's Name: Walter H. Johnson, Sally Rae Johnson and Diane Kay Barnhart aka Diane K. Hatmaker
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Boweta, LLC, a Colorado limited company
New owner(s) as listed on the conveyance document
- | | | | |
|---|---|---|--|
| <u>HC 64, Box 8028</u>
Mailing address
<u>(208) 725-5980</u>
Telephone | <u>Ketchum</u>
City
<u>chrisflanigan@mac.com</u>
Email | Name connector ☐ and ☐ or ☐ and/or
<u>ID</u> <u>83340</u>
State <u>ZIP</u> | |
|---|---|---|--|
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: January 24, 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):
 - ☐ \$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: [Signature] Managing Member 1/31/19
 Signature of new owner/claimant Title, if applicable Date

Signature: [Signature] 1/31/2019
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 2/11/19 Receipt No. E044705 Receipt Amt. \$1150.-
 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 [Signature] Processed by [Signature] Date 1/4/2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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?		Leased to Water Supply Bank?
34-3440x	Yes ☒	Yes ☐	34-24 (Split into 34-24 and 34-14713)	
34-3510x	Yes ☒	Yes ☐	34-26 (Split into 34-26 and 34-14714)	
34-7340x	Yes ☒	Yes ☐	34-54 (Split into 34-54 and 34-14715)	Yes ☐
34-7350x	Yes ☒	Yes ☐	34-55A (Split into 34-55A and 34-14716)	Yes ☐
34-3520x	Yes ☒	Yes ☐	34-344 (Split into 34-344 and 34-14717)	Yes ☐
			34-351 (Split into 34-351 and 34-14718)	Yes ☐
			34-352 (Split into 34-352 and 34-14719)	Yes ☐
			34-734 (Split into 34-734 and 34-14720)	Yes ☐
			34-735 (Split into 34-735 and 34-14721)	Yes ☐

2. Previous Owner's Name: Walter H. Johnson, Sally Rae Johnson and Diane Kay Barnhart aka Diane K. Hatmaker
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Boweta, LLC, a Colorado limited company
New owner(s) as listed on the conveyance document
- HC 64, Box 8028
Mailing address
(208- 425-5980)
Telephone
- Ketchum
City
chrisflanigan@mac.com
Email
- Name connector ☐ and ☐ or ☐ and/or
ID 83340
State ZIP
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: January 24, 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: Chris Flanagan Managing Member
Signature of new owner/claimant Title, if applicable Date 1/31/19

Signature: Charles Flanagan
Signature of new owner/claimant Title, if applicable Date 1/31/2019

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 _____

1A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. If you are unsure about the status of your water right in the Water Supply Bank, go to:
www.idwr.idaho.gov/apps/ExtSearch/WSBSearch/WSBSearch.aspx, input your water right number and click "Search." If you find your water right is in the Water Supply Bank and you want to release it so you can use it, you can download the Request to Release form from the forms portion of our website: www.idwr.idaho.gov. Your water right may not be available for immediate release if rented by another water user.

7. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

If the water right is leased to the Water Supply Bank and there is more than one owner, a Lessor Designation form must be completed to specify who the designated lessor will be. Each of the owners must sign the Lessor Designation form.

An IRS Form W-9 is required for all ownership changes pertaining to water rights leased to the Water Supply Bank. Refer to instructions in section 6 above to determine if the water right undergoing an ownership change is leased to the Water Supply Bank. An IRS W9 form can be downloaded from the Department's website: www.idwr.idaho.gov.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.**

IDWR Northern Region
7600 N Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

~ OR ~

IDWR State Office
322 East Front St, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Instrument # 255910

CHALLIS, CUSTER, IDAHO

01-24-2019

03:24:23

No. of Pages: 12

Recorded for: ALLIANCE TITLE - SALMON OFFICE

Lura H. Baker

Fee: \$15.00

Ex-Officio Recorder Deputy: LK

417576

(SPACE ABOVE LINE FOR RECORDER'S USE)

WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged,

WALTER H. JOHNSON, a married man, and **SALLY RAE JOHNSON**, a single woman and **DIANE KAY BARNHART**, aka **Diane K. Hatmaker**, a single woman ("Grantor"),

does hereby grant, bargain, sell and convey unto

BOWETA, LLC a Colorado limited liability company, whose current mailing address is HC 64 Box 8028 Ketchum, Idaho 83340 ("Grantee"),

the following described real property, located in Custer County, Idaho, to wit (the "Premises"):

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER WITH certain water rights identified on the records of the Idaho Department of Water Resources as Water Right Nos. 34-97, 34-99, 34-7140, and 34-10250 appurtenant to the property identified as Parcel 1 of the Premises; and

ALSO TOGETHER WITH certain water rights identified on the records of the Idaho Department of Water Resources as Water Right Nos. 34-56 and 34-10251; and

ALSO TOGETHER WITH a proportionate amount based upon authorized irrigated acres described upon the records of the Idaho Department of Water Resources (343 acres out of a total of 412.4 acres, or 83.17%) of the following water rights associated with Parcel 2: Water Right Nos. 34-24, 34-26, 34-54, 34-55A, 34-344, 34-351, 34-734, 34-735, and 34-352¹; and

ALSO TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the Premises, as well in law as in equity.

TO HAVE AND TO HOLD the Premises with its appurtenances unto Grantee, its successors and assigns, forever, subject to those matters set forth on Exhibit B to this Warranty

¹ The remaining 16.83% of Water Right Nos. 34-24, 34-26, 34-54, 34-55A, 34-344, 34-351, 34-734, 34-735, and 34-352 are associated with a parcel of property not described in this Warranty Deed, and will remain owned by Grantors Sally Rae Johnson and Diane Kay Barnhart.

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

Instrument # 255910

CHALLIS, CUSTER, IDAHO
01-24-2019 03:24:23 No. of Pages: 12
Recorded for: ALLIANCE TITLE - SALMON OFFICE
Lura H. Baker Fee: \$15.00
Ex-Officio Recorder Deputy: LK

417576

(SPACE ABOVE LINE FOR RECORDER'S USE)

WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged,

**WALTER H. JOHNSON, a married man, and SALLY RAE JOHNSON, a single woman and
DIANE KAY BARNHART, aka Diane K. Hatmaker, a single woman ("Grantor"),**

does hereby grant, bargain, sell and convey unto

**BOWETA, LLC a Colorado limited liability company, whose current mailing address is HC
64 Box 8028 Ketchum, Idaho 83340 ("Grantee"),**

the following described real property, located in Custer County, Idaho, to wit (the "Premises"):

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER WITH certain water rights identified on the records of the Idaho
Department of Water Resources as Water Right Nos. 34-97, 34-99, 34-7140, and 34-10250
appurtenant to the property identified as Parcel 1 of the Premises; and

ALSO TOGETHER WITH certain water rights identified on the records of the Idaho
Department of Water Resources as Water Right Nos. 34-56 and 34-10251; and

ALSO TOGETHER WITH a proportionate amount based upon authorized irrigated acres
described upon the records of the Idaho Department of Water Resources (343 acres out of a total
of 412.4 acres, or 83.17%) of the following water rights associated with Parcel 2: Water Right
Nos. 34-24, 34-26, 34-54, 34-55A, 34-344, 34-351, 34-734, 34-735, and 34-352¹; and

ALSO TOGETHER WITH all and singular the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions,
remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest
in and to the Premises, as well in law as in equity.

TO HAVE AND TO HOLD the Premises with its appurtenances unto Grantee, its
successors and assigns, forever, subject to those matters set forth on Exhibit B to this Warranty

¹ The remaining 16.83% of Water Right Nos. 34-24, 34-26, 34-54, 34-55A, 34-344, 34-351, 34-734, 34-735, and 34-352 are associated with a parcel of property not described in this Warranty Deed, and will remain owned by Grantors Sally Rae Johnson and Diane Kay Barnhart.

Deed attached hereto and incorporated herein (the "Permitted Exceptions"). Grantor does hereby covenant to and with Grantee, and its successors and assigns forever, that Grantor is owner in fee simple of the Premises; that the Premises is free from any and all liens, claims, encumbrances or other defects of title except (i) the Permitted Exceptions, (ii) taxes and assessments which are not yet due and payable, and (iii) those suffered or done by the Grantee; and that Grantor shall and will warrant and defend the quiet and peaceful possession of said Premises by Grantee, and its successors and assigns forever, against all other claims whatsoever except as excluded or excepted herein and that Grantor and its successors and assigns will, on demand of the Grantee or its successors or assigns, execute any instrument necessary for the further assurance of the title to the Premises that may be reasonably required.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this 21st day of January, 2019.

GRANTOR:

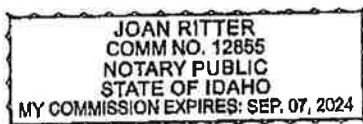
Walter H. Johnson
Walter H. Johnson

Sally Rae Johnson
Sally Rae Johnson
SRJ Sally

Diane Kay Barnhart
Diane Kay Barnhart, aka Diane K. Hatmaker

STATE OF Idaho)
County of Custer) ss.

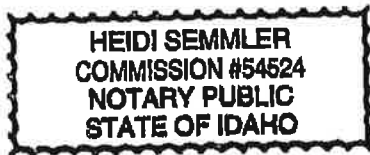
On this 21st day of January, 2019, before me, a Notary Public in and for said State, personally appeared WALTER H. JOHNSON known or identified to me to be the person who executed the instrument and acknowledged to me that they executed the same.



Joan Ritter
Notary Public for the State of Idaho
Residing at Challis
My Commission expires: 9-7-24

STATE OF Idaho)
) ss.
 County of Lemhi)

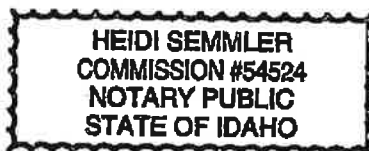
On this 24th day of January 2019, before me, a Notary Public in and for said State, personally appeared **SALLY RAE JOHNSON** known or identified to me to be the person who executed the instrument and acknowledged to me that they executed the same.



Heidi Semmler
 Notary Public for the State of Idaho
 Residing at Salmon
 My Commission expires: 5/19/21

STATE OF Idaho)
) ss.
 County of Lemhi)

On this 24th day of January 2019, before me, a Notary Public in and for said State, personally appeared **DIANE KAY BARNHART, also known as DIANE K. HATMAKER**, known or identified to me to be the person who executed the instrument and acknowledged to me that they executed the same.



Heidi Semmler
 Notary Public for the State of Idaho
 Residing at Salmon
 My Commission expires: 5/19/21

**Exhibit A to Warranty Deed
Legal Description of the Premises**

Parcel 1:

Township 8 North, Range 21, East, Boise Meridian, Custer County, State of Idaho

Section 1: The Southeast Quarter of the Southwest Quarter.

Section 2: The Southeast Quarter of the Northwest Quarter; the Southwest Quarter of the Northeast Quarter; the North one-half of the South one-half; and the South one-half of the Southeast Quarter

EXCEPTING THEREFROM that portion conveyed to Lost River Highway District of Mackay, in Right of Way Deed recorded September 12, 1938 as Instrument No. 49159 in Book 24 of Deeds Page 105, and as Instrument No. 49160 in Book 24 of Deeds Page 106, records of Custer County, Idaho.

ALSO, EXCEPTING THEREFROM that portion conveyed to the State of Idaho, in Warranty Deed recorded September 27, 1961 as Instrument No. 115915 in Book 34 Page 215; and July 3, 1964 as Instrument No. 118892 in Book 35 Page 259, records of Custer County, Idaho.

Section 11: The Northeast Quarter; EXCEPTING THEREFROM the following described parcels of land:

The Southeast Quarter of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter;

The Northeast Quarter of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter;

The Northwest Quarter of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter;

The Southwest Quarter of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter

Section 12: The North one half of the Northwest Quarter

Section 15: The Northwest Quarter of the Southeast Quarter; and the Southwest Quarter; EXCEPTING Therefrom the following described parcel of land:

Part of the Northwest Quarter Southwest Quarter of Section 15, and part of the Northeast Quarter Southeast Quarter of Section 16, Township 8 North, Range 21 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at the West Quarter corner of Section 15, said point being an aluminum cap marked as PLS 3577 and being referenced as corner perpetuation and filing record Instrument Number 217892, said point bears

North 89°01'37" East 5297.03 feet from the East Quarter corner of said Section 15, said point being a standard Bureau of Land Management brass cap monument referenced as corner perpetuation and filing record

Instrument Number 217898; thence

North 89°01'37" East 575.58 feet along the North line of said Northwest Quarter Southwest Quarter of said Section 15; thence

South 30°30'56" West 23.45 feet to a 5/8" iron rod with red plastic cap marked HLE PLS 12222, said point being on a line 20.00 feet South of and parallel with said North line, said point also being the Point of Beginning; thence

South 30°30'56" West 670.71 feet to a 5/8" iron rod with red plastic cap marked HLE PLS 12222; thence

South 89°01'37" West 739.62 feet parallel with said North line to the centerline of a secondary channel of the Big Lost River, said point being referenced by a 5/8" iron rod with red plastic cap marked HLE PLS 12222 set on the Easterly Bank and bearing

South 89°01'37" West 90.00 feet; thence along said centerline of said secondary channel the following Ten (10) courses:

(1) North 78°26'39" East 125.87 feet; thence

(2) North 68°56'37" East 66.36 feet; thence

(3) North 49°35'16" East 168.76 feet; thence

(4) North 57°02'45" East 83.52 feet; thence

(5) North 34°53'34" East 152.99 feet; thence

(6) North 24°31'56" East 121.15 feet; thence

(7) North 12°22'15" East 67.39 feet; thence

(8) North 42°59'59" East 86.82 feet; thence

(9) South 88°52'39" East 32.36 feet; thence

(10) North 52°03'48" East 23.95 feet, said point being 20.00 feet South of said North line of the Northwest Quarter Southwest Quarter and being referenced by a 5/8" iron rod with red plastic

cap marked HLE PLS 12222 set on said Easterly Bank and bearing

North 89°01'37" East 55.00 feet; thence parallel with said North line

North 89°01'37" East 433.61 feet parallel with said North line to the Point of Beginning.

Section 16: The Southeast Quarter of the Northeast Quarter; and the Southeast Quarter;

EXCEPTING THEREFROM the following described tracts:

A) Part of the Northwest Quarter Southwest Quarter of Section 15, and part of the Northwest Quarter Southwest Quarter of Section 16, Township 8 North, Range 21 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at the West Quarter corner of Section 15, said point being an aluminum cap marked as PLS 3577 and being referenced as corner perpetuation and filing record Instrument Number 217892, said point bears North 89°01'37" East 5297.03 feet from the East Quarter corner of said Section 15, said point being a standard Bureau of Land Management brass cap monument referenced as corner perpetuation and filing record Instrument Number 217898; thence

North 89°01'37" East 575.58 feet along the North line of said Northwest Quarter Southwest Quarter of said Section 15; thence

South 30°30'56" West 23.45 feet to a 5/8" iron rod with red plastic cap marked HLE PLS 12222, said point being on a line 20.00 feet South of and parallel with said North line, said point also being the Point of Beginning; thence

South 30°30'56" West 670.71 feet to a 5/8" iron rod with red plastic cap marked HLE PLS 12222; thence

South 89°01'37" West 739.62 feet parallel with said North line to the centerline of a secondary channel of the Big Lost River, said point being referenced by a 5/8" iron rod with red plastic cap marked HLE PLS 12222 set on the Easterly Bank and bearing

South 89°01'37" West 90.00 feet; thence along said centerline of said secondary channel the following Ten (10) courses:

(1) North 78°26'39" East 125.87 feet; thence

(2) North 68°56'37" East 66.36 feet; thence

(3) North 49°35'16" East 168.76 feet; thence

(4) North 57°02'45" East 83.52 feet; thence

(5) North 34°53'34" East 152.99 feet; thence

(6) North 24°31'56" East 121.15 feet; thence

(7) North 12°22'15" East 67.39 feet; thence (8) North 42°59'59" East 86.82 feet; thence

(9) South 88°52'39" East 32.36 feet; thence

(10) North 52°03'48" East 23.95 feet; said point being 20.00 feet South of said North line of the Northwest Quarter Southwest Quarter and being referenced by a 5/8" iron rod with red plastic

cap marked HLE PLS 12222 set on said Easterly Bank and bearing

North 89°01'37" East 55.00 feet; thence parallel with said North line

North 89°01'37" East 433.61 feet parallel with said North line to the Point of Beginning.

B) A parcel of land located in the Southeast Quarter Northeast Quarter, Section 16, Township 8 North, Range 21 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said Section 16, from which the Northwest corner of the Northeast Quarter Northeast Quarter of said Section 16 bears

South 89°32'45" West a distance of 1361.13 feet the basis of bearing of this description run thence

South 00°10'06" East along the Easterly boundary of said section a distance of 1297.96 feet to a witness point (BLM brass cap); thence

South 00°02'49" East along said boundary a distance of 24.00 feet to the Northeast corner of said Southeast Quarter Northeast Quarter and the Point of Beginning; thence continuing South 00°02'49" East along said boundary a distance of 57.49 feet to a point in the center of the Big Lost River; thence the following courses and distances along said centerline;
 South 76°03'09" West 280.52 feet;
 South 54°48'28" West 156.62 feet;
 South 37°31'07" West 115.39 feet;
 South 56°14'09" West 200.76 feet;
 South 36°22'57" West 251.26 feet;
 South 27°47'24" West 250.31 feet;
 South 25°13'21" West 164.91 feet; South 63°27'20" West 98.19 feet;
 North 83°36'55" West 157.84 feet;
 North 71°03'44" West 131.34 feet;
 North 59°58'24" West 58.32 feet to a point on the Westerly boundary of said Southeast Quarter Northeast Quarter; thence North 00°07'34" West along said boundary a distance of 917.29 feet to the Northwest corner of said Southeast Quarter Northeast Quarter; thence North 89°30'49" East along the Northerly boundary of said Southeast Quarter Northeast Quarter a distance of 1325.00 feet to the Point of Beginning.

AND

C) A parcel of land located in the West Half Southeast Quarter, Section 16, Township 8 North, Range 21 East, of the Boise Meridian, described as follows:

Commencing at the North Quarter corner of Section 16 (BLM monument found), thence South 0°08'43" East, 2601.14 feet along the West line of the Northeast Quarter of Section 16 to the Northwest Quarter corner of the Southeast Quarter of Section 16 (1/2" rod with cap set), which is the True Point of Beginning; thence continuing South 0°08'43" East, 588.53 feet along the West line of the Northwest Quarter Southeast Quarter to a point on the West line of the Northwest Quarter Southeast Quarter of Section 16 and on the bank of the Big Lost River (1/2" rod with cap set); thence continuing South 0°08'43" East, 708.52 feet along the West line of the Northwest Quarter Southeast Quarter to the Southwest corner of the Northwest Quarter Southeast Quarter of Section 16; thence continuing South 0°08'43" East, 150.00 feet along the West line of the Southwest Quarter Southeast Quarter to a point on the West line of the Southwest Quarter Southeast Quarter of Section 16; thence North 89°25'04" East, 100.00 feet to a point; thence North 22°00'18" East 162.46 feet to a point on the North line of the Southwest Quarter Southeast Quarter of Section 16; thence North 22°00'18" East, 1405.74 feet to a point on the North line of the Northwest Quarter Southeast Quarter of Section 16; thence South 89°20'33" West, 267.09 feet along the North line of the Northwest Quarter Southeast

Quarter of Section 16 to a point on the North line of the Northwest Quarter Southeast Quarter of Section 16 and on the bank of the Big Lost River (1/2" rod with cap set); thence South 89°20'33" West, 424.19 feet along the North line of the Northwest Quarter Southeast Quarter of Section 16 to the True Point of Beginning.

Parcel 2:

Part of the Northwest Quarter Southwest Quarter of Section 15, and part of the Northeast Quarter Southeast Quarter of Section 16, Township 8 North, Range 21 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at the West Quarter corner of Section 15, said point being an aluminum cap marked as PLS 3577 and being referenced as corner perpetuation and filing record Instrument Number 217892, said point bears North 89°01'37" East 5297.03 feet from the East Quarter corner of said Section 15, said point being a standard Bureau of Land Management brass cap monument referenced as corner perpetuation and filing record Instrument Number 217898; thence North 89°01'37" East 575.58 feet along the North line of said Northwest Quarter Southwest Quarter of said Section 15; thence South 30°30'56" West 23.45 feet to a 5/8" iron rod with red plastic cap marked HLE PLS 12222, said point being on a line 20.00 feet South of and parallel with said North line, said point also being the Point of Beginning; thence South 30°30'56" West 670.71 feet to a 5/8" iron rod with red plastic cap marked HLE PLS 12222; thence South 89°01'37" West 739.62 feet parallel with said North line to the centerline of a secondary channel of the Big Lost River, said point being referenced by a 5/8" iron rod with red plastic cap marked HLE PLS 12222 set on the Easterly Bank and bearing South 89°01'37" West 90.00 feet; thence along said centerline of said secondary channel the following
Ten (10) courses:
(1) North 78°26'39" East 125.87 feet; thence
(2) North 68°56'37" East 66.36 feet; thence
(3) North 49°35'16" East 168.76 feet; thence
(4) North 57°02'45" East 83.52 feet; thence
(5) North 34°53'34" East 152.99 feet; thence
(6) North 24°31'56" East 121.15 feet; thence
(7) North 12°22'15" East 67.39 feet; thence (8) North 42°59'59" East 86.82 feet; thence
(9) South 88°52'39" East 32.36 feet; thence
(10) North 52°03'48" East 23.95 feet; said point being 20.00 feet South of said North line of the Northwest Quarter Southwest Quarter and being referenced by a 5/8" iron rod with red plastic cap marked HLE PLS 12222 set on said Easterly Bank and bearing North 89°01'37" East 55.00 feet; thence parallel with said North line

North 89°01'37" East 433.61 feet parallel with said North line to the Point of Beginning.

Parcel 3:

A 20 foot access/utility easement for the benefit of Parcel 2, described as part of the Southwest Quarter and the Southeast Quarter of Section 15, Township 8 North, Range 21 East, Boise Meridian, Custer County, Idaho, described as being 10.00 feet both sides of the following described centerline:

Commencing at the West Quarter corner of Section 15, said point being an aluminum cap marked as PLS 3577 and being referenced as corner perpetuation and filing record Instrument Number 217892, said point bears

South 89°01'37" West 5297.03 feet from the East Quarter corner of said Section 15, said point being a standard Bureau of Land Management brass cap monument referenced as corner perpetuation and filing record Instrument Number 217898; thence

North 89°01'37" East 143.46 feet along the center of section line; thence

South 00°58'23" East 10.00 feet to the Point of Beginning; thence parallel with said center of section line

North 89°01'37" East 3697.44 feet, more or less to the Westerly right-of-way of Bartlett Point Road, said point being the Point of Terminus.

Parcel 4:

A 5-foot access easement to the Big Lost River described as part of the Northwest Quarter Southwest Quarter of Section 15 and part of the Southeast Quarter Northeast Quarter of Section 16, Township 8 North, Range 21 East, Boise Meridian, Custer County, Idaho, described as being 2.50 feet both sides of the following described centerline:

Commencing at the West Quarter corner of Section 15, said point being an aluminum cap marked as PLS 3577 and being referenced as corner perpetuation and filing record Instrument Number 217892, said point bears

South 89°01'37" West 5297.03 feet from the East Quarter corner of said Section 15, said point being a standard Bureau of Land Management brass cap monument referenced as corner perpetuation and filing record Instrument Number 217898, said point also bears

South 00°00'36" West 1345.89 feet from a 1953 Bureau of Land Management brass cap witness corner monument referenced as corner perpetuation and filing record Instrument Number 217895; thence

North 89°01'37" East 164.88 feet along the center of section line; thence

South 00°58'23" East 2.50 feet to the Point of Beginning; thence

South 89°01'37" West 167.42 feet parallel with said center of section line; thence 2.50 feet West of and parallel with the East line of the Southeast Quarter Northeast Quarter

North 00°00'36" East 1267.0 feet, more or less, to the centerline of the Big Lost River, said point being the Point of Terminus.

Exhibit B to Warranty Deed

Permitted Exceptions

1. Rights of the State of Idaho in and to that portion of said premises, if any, lying in the bed or former bed of the Big Lost River, if it is navigable.
2. Any question of location, boundary or area related to the Big Lost River, including, but not limited to, any past or future changes in it.
3. Any question of location, boundary or area related to the Big Lost River, including but not limited to, any past or future changes in it.
4. Any prohibition or limitation on the use, occupancy, or improvements of the Land resulting from the rights of the public, appropriators, or riparian owners to use any waters, which may now cover the Land or to use any portion of the Land which is now or may formerly have been covered by water.
5. The right of use, control, or regulation by the United States of America in exercise of power over navigation.
6. Any difference in the mean high-water line of the Big Lost River and the meander line as shown by government survey.
7. Any adverse claim based upon the assertion that some portion of said Land is now, or at anytime has been within the boundaries of the Big Lost River or by reason of the fact or claim that any portion or portions thereof have been rendered un-navigable by artificial means or has accreted to such portions so created.
8. Any question of location, boundary or area related to Grant Creek and Bartlett Creek, including but not limited to any past or future changes in it..
9. Rights of the public in and to that portion of the premises lying within Bartlett Point Road.
10. Rights of the public in and to that portion of the premises lying within Trail Creek Road.
11. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: November 3, 1899.
Book: 1 at Page: 141
Official Records: Custer County.
Note: Affects Parcel 1 E1/2SE1/4 of Section 16 and NW1/4SW1/4 Section 15 and Parcel 2
12. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: June 28, 1922.
Book: 16 at Page: 112
Official Records: Custer County.

Note: Affects Parcel 1 NE1/4SW1/4; N1/2SE1/4; SE1/4SE1/4 Section 2

13. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: June 28, 1922.

Book: 16 at Page: 113

Official Records: Custer County.

Note: Affects Parcel 1 Section 11

14. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: April 14, 1928.

Book: 16 at Page: 284

Official Records: Custer County.

Note: Affects Parcel 1 S1/2SW1/4; NE1/4SW1/4 & NW1/4SE1/4 Section 15

15. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: October 7, 1943.

Book: 26 at Page: 220

Official Records: Custer County.

Note: Affects Parcel 1 SW1/4NE1/4; S1/2NW1/4; NW1/4SW1/4 Section 2

16. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: May 10, 1961.

Book: 34 at Page: 94

Official Records: Custer County.

Note: Affects Parcel 1: SE1/4SW1/4 Section 1; SW1/2SE1/4 Section 2 and N1/2 NW1/4 Section 12

17. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document

Purpose: Thousand Springs Land and Irrigation Co., Ltd. Canal

Recorded: May 9, 1919

Book: 14, Page: 591

Note: Affects Parcel 1 Sections 11 and 2

18. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document

Purpose: Thousand Springs Land and Irrigation Co., Ltd. Canal

Recorded: May 9, 1919

Book: 15, Page: 51

Note: Affects Parcel 1 Section 11

19. Conditions, restrictions, and access rights contained in the deed to the State of Idaho.

Recorded: September 27, 1961

Instrument No.: 115915

Book: 34, Page: 215

20. Conditions, restrictions, and access rights contained in the deed to the State of Idaho.
Recorded: July 3, 1964
Instrument No.: 118892
Book: 35, Page: 259

21. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions contained in a document
Purpose: Sanitary Regulations
Recorded: November 17, 2008
Instrument No.: 239894
Note: Affects Parcel 2

22. Easements reservations and dedications, as shown on record of survey.
Recorded: November 17, 2008
Instrument No.: 239895

23. An easement for the purpose shown below and rights incidental thereto as set forth in a document:
Granted to: SMIFAM Holdings Company, LLC
Purpose: 20-foot access/utility easement (affects Parcel 2), 5-foot access easement to the Big Lost River (affects Parcel 3)
Recorded: November 24, 2008
Instrument No.: 239926

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

Instrument # 255905

CHALLIS, CUSTER, IDAHO

01-24-2019 02:31:59 No. of Pages: 4

Recorded for: ALLIANCE TITLE - SALMON OFFICE

Lura H. Baker Fee: \$15.00

Ex-Officio Recorder Deputy: LK

AT 417581

(SPACE ABOVE LINE FOR RECORDER'S USE)

WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged,

WALTER H. JOHNSON and DEBBIE D. JOHNSON, husband and wife ("Grantor"),

does hereby grant, bargain, sell and convey unto

**BOWETA, LLC a Colorado limited liability company, whose current mailing address is HC
64 Box 8028 Ketchum, Idaho 83340 ("Grantee"),**

the following described real property, located in Custer County, Idaho, to wit (the "Premises"):

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER WITH all water and water rights and other entitlements to water appurtenant to or beneficially used upon the Premises, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the Premises, as well in law as in equity.

TO HAVE AND TO HOLD the Premises with its appurtenances unto Grantee, its successors and assigns, forever, subject to those matters set forth on Exhibit B to this Warranty Deed attached hereto and incorporated herein (the "Permitted Exceptions"). Grantor does hereby covenant to and with Grantee, and its successors and assigns forever, that Grantor is owner in fee simple of the Premises; that the Premises is free from any and all liens, claims, encumbrances or other defects of title except (i) the Permitted Exceptions, (ii) taxes and assessments which are not yet due and payable, and (iii) those suffered or done by the Grantee; and that Grantor shall and will warrant and defend the quiet and peaceful possession of said Premises by Grantee, and its successors and assigns forever, against all other claims whatsoever except as excluded or excepted herein and that Grantor and its successors and assigns will, on demand of the Grantee or its successors or assigns, execute any instrument necessary for the further assurance of the title to the Premises that may be reasonably required.

[end of text]

IN WITNESS WHEREOF, Grantor has executed this instrument as of this 21st day of January, 2019

GRANTOR:

Walter H. Johnson
Walter H. Johnson

Debbie D. Johnson
Debbie D. Johnson

STATE OF Idaho)
County of Custer) ss.

On this 21st day of January, 2019, before me, a Notary Public in and for said State, personally appeared **WALTER H. JOHNSON** and **DEBBIE D. JOHNSON** known or identified to me to be the person who executed the instrument and acknowledged to me that they executed the same.



Joan Ritter
Notary Public for the State of Idaho
Residing at Challis
My Commission expires: 9-7-24

**Exhibit A to Warranty Deed
Legal Description of the Premises**

Township 8 North, Range 21, East, Boise Meridian, Custer County, State of Idaho

Section 11:

The Southeast Quarter of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter;
The Northeast Quarter of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter;
The Northwest Quarter of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter;
The Southwest Quarter of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter.

Exhibit B to Warranty Deed

Permitted Exceptions

1. Taxes, including any assessments collected therewith, Parcel #RP08N21E110010, for the year 2019 .
2. Ditch, road and public utility easements as the same may exist over said premises.
3. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: June 23, 1922.
Book: 16 at Page: 113
Official Records: Custer County.
4. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document
Purpose: Thousand Springs Land and Irrigation Co. Ltd. Canal
Recorded: May 9, 1919
Book: 14 of Deeds, Page: 591
5. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document
Purpose: Thousand Springs Land and Irrigation Co. Ltd. Canal
Recorded: May 9, 1919
Book: 15 of Deeds, Page: 51

WARRANTY DEED

0211191

For Value Received, JOAN JOHNSON, of the first part, the Grantor, do hereby grant, sell and convey unto the Grantees, WALTER H. JOHNSON, WILLIAM K. KELLEY and JUDITH K. KELLEY, husband and wife, the Grantees, whose current address is 1910 S.E. 131st Avenue, Vancouver, Washington 98681, the following described premises, in Custer County, Idaho, to-wit:

See Exhibit "A", attached hereto and incorporated by reference herein as though fully set forth.

TO HAVE AND TO HOLD the said premises, with their 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 they are free from all encumbrances excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho; and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 6th day of June, 1996.

Joan Johnson
JOAN JOHNSON

Walter H. Johnson
WALTER H. JOHNSON

Diane Kay Hatmaker
DIANE K. HATMAKER

Sally Rae Johnson
SALLY RAE JOHNSON

STATE OF Idaho)

: ss

County of CUSTER)

On this 6 day of June, 1996, before me, Daisy Rinder, a notary public in and for said State, personally appeared Joan Johnson, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Daisy Rinder
Notary Public for
Residing at
Commission Expires

STATE OF Idaho)

: ss

County of CUSTER)

On this 6th day of June, 1996, before me, Daisy Rinder, a notary public in and for said State, personally appeared Walter H. Johnson, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

Daisy Rinder
Notary Public for
Residing at
Commission Expires

STATE OF Idaho)

County of Custer)

On this 6th day of June, 1996, before me, Patsy Kindt, a notary public in and for said State, personally appeared Diane K. Hatmaker, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Patsy Kindt

Notary Public for:
Residing at:
Commission Expires:

STATE OF Idaho)

County of Custer)

On this 6th day of June, 1996, before me, Patsy Kindt, a notary public in and for said State, personally appeared Sally Rae Johnson, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Patsy Kindt

Notary Public for:
Residing at:
Commission Expires:

RECORDING:

211191
Custer County Rec. of
Custer County
Title

Time 4:50 P.M.

June 10 1996

Ethel M. Peck, Clerk
Wendy Murphy
92 Deputy

211191

A parcel of land located in the W $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 8 North, Range 21 East, of the Boise Meridian described as follows:

Commencing at the North quarter corner of Section 16 (B.L.M. monument found), thence South 0°08'43" East, 2601.14 feet along the West line of the NE $\frac{1}{4}$ of Section 16 to the NW corner of the SE $\frac{1}{4}$ of Section 16 ($\frac{1}{2}$ " rod w/cap set), which is the TRUE POINT OF BEGINNING; thence continuing South 0°08'43" East, 588.53 feet along the West line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to a point on the West line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 and on the bank of the Big Lost River ($\frac{1}{2}$ " rod w/cap set); thence continuing South 0°08'43" East, 708.52 feet along the West line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the SW corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; thence continuing South 0°08'43" East, 150.00 feet along the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ to a point on the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; thence North 89°25'04" East, 100.00 feet to a point; thence North 22°00'18" East 162.46 feet to a point on the North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; thence North 22°00'18" East, 1405.74 feet to a point on the North line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; thence South 89°20'33" West, 267.09 feet along the North line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 to a point on the North line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 and on the bank of the Big Lost River ($\frac{1}{2}$ " rod w/cap set); thence South 89°20'33" West, 424.19 feet along the North line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 to the TRUE POINT OF BEGINNING.

S.R.J.

J. J.
DKH

[Signature]

EXHIBIT "A"



State of 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

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 5, 2019

Speck and Aanestad
PO Box 987
Ketchum ID 83340

Boweta LLC
HC 64 Box 8028
Ketchum ID 83340

RE: Change of Ownership for Water Rights 34-97 (No Split), 34-99 (No Split), 34-7140 (No Split), 34-10250 (No split), 34-56 (No split), 34-10251 (No Split), 34-24 (Split into 34-24 and 34-14713), 34-26 (Split into 34-26 and 34-14714), 34-54 (Split into 34-54 and 34-14715), 34-55A (Split into 34-55A and 34-14716), 34-344 (Split into 34-344 and 34-14717), 34-351 (Split into 34-351 and 34-14718), 34-352 (Split into 34-352 and 34-14719), 34-734 (Split into 34-734 and 34-14720), 34-735 (Split into 34-735 and 34-14721)

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc:

Walter Johnson, Diane Hatmaker and Joan Johnson
Sally Rae Johonson
Harry De Haan
Water District 34

ec: Jim Speck

Barg, Jonie

From: James Speck <jim@speckandaanestad.com>
Sent: Wednesday, February 13, 2019 4:01 PM
To: Barg, Jonie
Cc: Chris Flanigan (chrisflanigan@mac.com); Jackie Flanigan; Edward A. Lawson (eal@lawsonlaski.com)
Subject: RE: RE: Ownership Change for Boweta LLC
Attachments: 211191 johnson et al to kelly 13.1A.pdf

Joannie,

Attached is a copy of the 1996 deed from Johnson et al to the Kelley's. All of the water rights that might have been appurtenant to this 13.1A parcel were decrees in the SRBA in 1998, 2000 & 2002. Thus, the determination of ownership of those water rights by each partial decree was final and thereafter the Kelley's no longer had any interest in or claim to the portion of those rights decreed as appurtenant to the 13.1A parcel.

Let me know if you now need anything else to complete the processing of the ownership change for all of the water rights in the deed to Boweta, LLC.

Jim

-----Original Message-----

From: James Speck
Sent: Wednesday, February 13, 2019 9:46 AM
To: 'Barg, Jonie' <Jonie.Barg@idwr.idaho.gov>
Cc: Chris Flanigan (chrisflanigan@mac.com) <chrisflanigan@mac.com>; 'Jackie Flanigan' <jackie@sunvalleynet.com>; Edward A. Lawson (eal@lawsonlaski.com) <eal@lawsonlaski.com>
Subject: RE: RE: Ownership Change for Boweta LLC

Joannie,

Attached is a copy of the deed to my clients for the 10A in S.11 you describe below. I was not aware of that separate deed until you brought up this issue.

I will get back to you as soon as I can on the Kelly land overlap issue.

Jim

-----Original Message-----

From: Barg, Jonie
Sent: Tuesday, February 12, 2019 4:42 PM
To: James Speck

Mr. Speck:

As per our phone conversation on February 12, 2019. Please find attached a deed plotter drawing, maps and highlighted copy of the Warranty Deed.

It is true that the decree does prove ownership of a water right and designated place of use and other elements of the water right. When property is sold that is covered by the place of use of the water right by the current owner of that water right the water automatically goes with the property, unless the water right is specifically withheld.

34-97, 34-99, and 34-10250

So one concern is with the 10 acres located in the N1/2NE Section 11 exception found on page 4 of the Warranty Deed. If it is their intent to deed all the water right to Boweta, there is a possibility a transfer application will also be required, but after I get all my information together I will explore the next options. This parcel appears to be owned by Walter and Debbie Johnson, Walter did sign the Deed but not Debbie also if the entire place of use is being deeded there is a possibility a transfer to move the water off that 10 acres.

34-24, 34-26, 34-54, 34-55A, 34-344, 34-351, 34-734, 34-735 and 34-352

There is some question in the W1/2 of the SE Section 16 which is covered by property currently owned by William Kelley Jr (according to taxlot data updated by the county). If the Johnson/Barnhart never owned that property I will discuss options with my supervisor. If they did it is possible additional information may be required, a release from Mr Kelley or a copy of his deed showing the water right was withheld.

After you have had an opportunity to look at this please give me a call back so that we can discuss options or I can discuss what steps need to be taken with my supervisor.

Thank you for your time. I hope you have a wonderful afternoon.

Jonie Barg

Jonie Barg

Idaho Department of Water Resources

900 N Skyline Ste A

Idaho Falls ID 83402

phone: (208) 525-7161

fax: (208) 525-7177

email: jonie.barg@idwr.idaho.gov

Protect your Enthusiasm from the Negativity of others. ~ H Jackson Brown Jr. ~

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, February 11, 2019 12:24 PM
To: Barg, Jonie <Jonie.Barg@idwr.idaho.gov>
Subject: RE: Ownership Change for Boweta LLC

Is this what you need?

From: Barg, Jonie <Jonie.Barg@idwr.idaho.gov <mailto:Jonie.Barg@idwr.idaho.gov> >
Sent: Monday, February 11, 2019 11:56 AM
To: James Speck <jim@speckandaanestad.com <mailto:jim@speckandaanestad.com> >
Subject: Ownership Change for Boweta LLC

RE: Change in Water Right Ownership Water Right No. 34-97, 34-99, 34-7140, 34-10250, 34-56, 34-10251, 34-24, 34-26, 34-54, 34-55A, 34-344, 34-351, 34-734, 34-735 & 34-352

Dear Sir/Madam:

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

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

**** Evidence of Water Right Ownership: copy of Deed or other legal document indicating your ownership of the property and/or water rights in question. The department received a partial copy of a Warranty Deed instrument number 255910 Custer County, however in order to complete your application a full copy of the Warranty Deed is required. Please submit a full copy of the recorded Warranty Deed via email or usps at the address below.

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

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov <<http://www.idwr.idaho.gov>> .

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Barg

Jonie Barg

Idaho Department of Water Resources

900 N Skyline Ste A

Idaho Falls ID 83402

phone: (208) 525-7161

fax: (208) 525-7177

email: jonie.barg@idwr.idaho.gov <<mailto:jonie.barg@idwr.idaho.gov>>

Protect your Enthusiasm from the Negativity of others. ~ H Jackson Brown Jr. ~

Attachment(s): 20190212161244.pdf

Barg, Jonie

From: Barg, Jonie
Sent: Monday, February 11, 2019 11:56 AM
To: 'Jim Speck'
Subject: Ownership Change for Boweta LLC

RE: Change in Water Right Ownership Water Right No. 34-97, 34-99, 34-7140, 34-10250, 34-56, 34-10251, 34-24, 34-26, 34-54, 34-55A, 34-344, 34-351, 34-734, 34-735 & 34-352

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Please feel free to contact the Department if you have any questions.

Sincerely,



Jonie Barg
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov

RECEIVED
FEB 11 2019
Department of Water Resources
Eastern Region

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
(retired)

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE NORTH
P. O. BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752

February 6, 2019

Sharla Cox
Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline Drive, Ste. A
Idaho Falls, ID 83402-1718

RE: *Boweta, LLC a Colorado limited liability company*
Water Right Nos. 34-97, 34-99, 34-7140, 34-10250, 34-56,
34-10251, 34-24, 34-26, 34-54, 34-55A, 34-344, 34-351, 34-734,
34-735, and 34-352

Dear Sharla:

Enclosed for processing you will find an *original* and one (1) copy of a Notice of Change in Water Right Ownership form and my firm's check in the amount of \$1,150.00 for the required filing fee. If this document meets with your approval, please process and receipt date-stamp the copy and return it to me in the enclosed self-addressed, postage-paid envelope.

If you have questions, please contact me. Thank you for your assistance.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Chris Flanigan w/ copies of form