

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
DEC 03 2018
Department of Water Resources
East Idaho Region

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?
31-307 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: David J. Hagenbarth and James F. Hagenbarth
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Dip Vat, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
P.O. Box 1128 Dillon MT 59725

Mailing address City State ZIP
(406) 683-2163
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: November 29, 2018
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
 ☐ \$25 per *undivided* water right.
 ☐ \$100 per *split* water right.
 ☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: James F. Hagenbarth President 11/29/18
Signature of new owner/claimant Title, if applicable Date
 Signature: David J. Hagenbarth Sec. Treas. 11/29/18
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 12/3/2018 Receipt No. E044546 Receipt Amt. \$25. -
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by JB Processed by CR Date 12/6/18

GRANT DEED

For the consideration of Ten Dollars, and other valuable consideration, David J. Hagenbarth and James F. Hagenbarth, married men dealing with their sole and separate property, as Grantors, grant and convey to Dip Vat, LLC, an Idaho limited liability company, whose address is P.O. Box 1128, Dillon, Montana, 59725, as Grantee, the following described real property situated in Clark County, Idaho, together with all rights and privileges appurtenant thereto, the following described real property, to wit:

Section 35, Township 13 North, Range 38 East, Boise Meridian:

SE $\frac{1}{4}$ NW $\frac{1}{4}$

S $\frac{1}{2}$ NE $\frac{1}{4}$

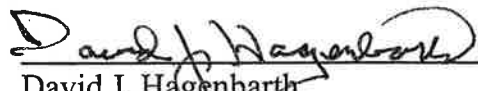
SE $\frac{1}{4}$

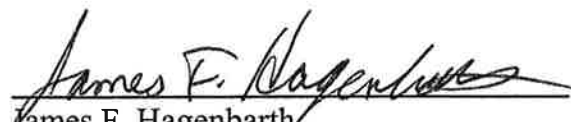
N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO: All taxes, assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions and restrictions, obligations and liabilities as may appear of record.

Dated this 7 day of December, 2012.

GRANTORS:

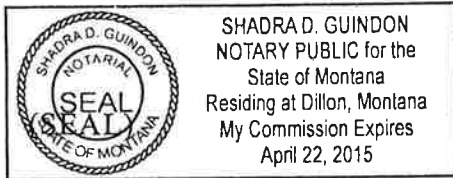

David J. Hagenbarth


James F. Hagenbarth

[illegible]

On this 2 day of December, 2012, before me, the undersigned, a notary public, in and for said State, personally appeared DAVID J. HAGENBARTH 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.

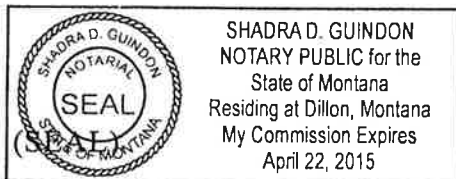


Notary Public for Montana
Residing at: _____
My Commission Expires: _____

[illegible]

On this 7th day of December, 2012, before me, the undersigned, a notary public, in and for said State, personally appeared JAMES F. HAGENBARTH 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.



Notary Public for Montana
Residing at: _____
My Commission Expires: _____

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/12/2018

WATER RIGHT NO. 31-307

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID J HAGENBARTH
Current Owner	JAMES F HAGENBARTH PO BOX 1128 DILLON, MT 59725-1128 4066832163
Attorney	PATTI ROWLAND BLOOMQUIST LAW FIRM PC 220 S PACIFIC ST PO BOX 1418 DILLON, MT 59725-1418 4066838795
Attorney	~~JOHN BLOOMQUIST~~ ~~DONEY CROWLEY BLOOMQUIST~~ ~~108 S WASHINGTON~~ ~~PO BOX 1418~~ ~~DILLON, MT 59725-1418~~
Original Owner	WOOD LIVE STOCK CO LTD SPENCER, ID

Priority Date: 11/01/1922

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILES CREEK	CROOKED CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	0.74 CFS	
STOCKWATER	05/01	12/15	0.09 CFS	
Total Diversion			0.74 CFS	

Location of Point(s) of Diversion:

MILES CREEK|NESESW|Sec. 35|Township 13N|Range 38E|CLARK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13N	38E	35		SWNE	7									
				NESE	4		NWSE	23		SWSE	3			

Place of Use Legal Description: STOCKWATER CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13N	38E	35		SWNE										
				NESE			NWSE			SESE				

Total Acres: 37

Conditions of Approval:

1. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER
2. C18 RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. STOCKWATER: 400 CATTLE
4. C10 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE FOR STOCKWATER PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 02/22/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR
Water District Number: 31
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

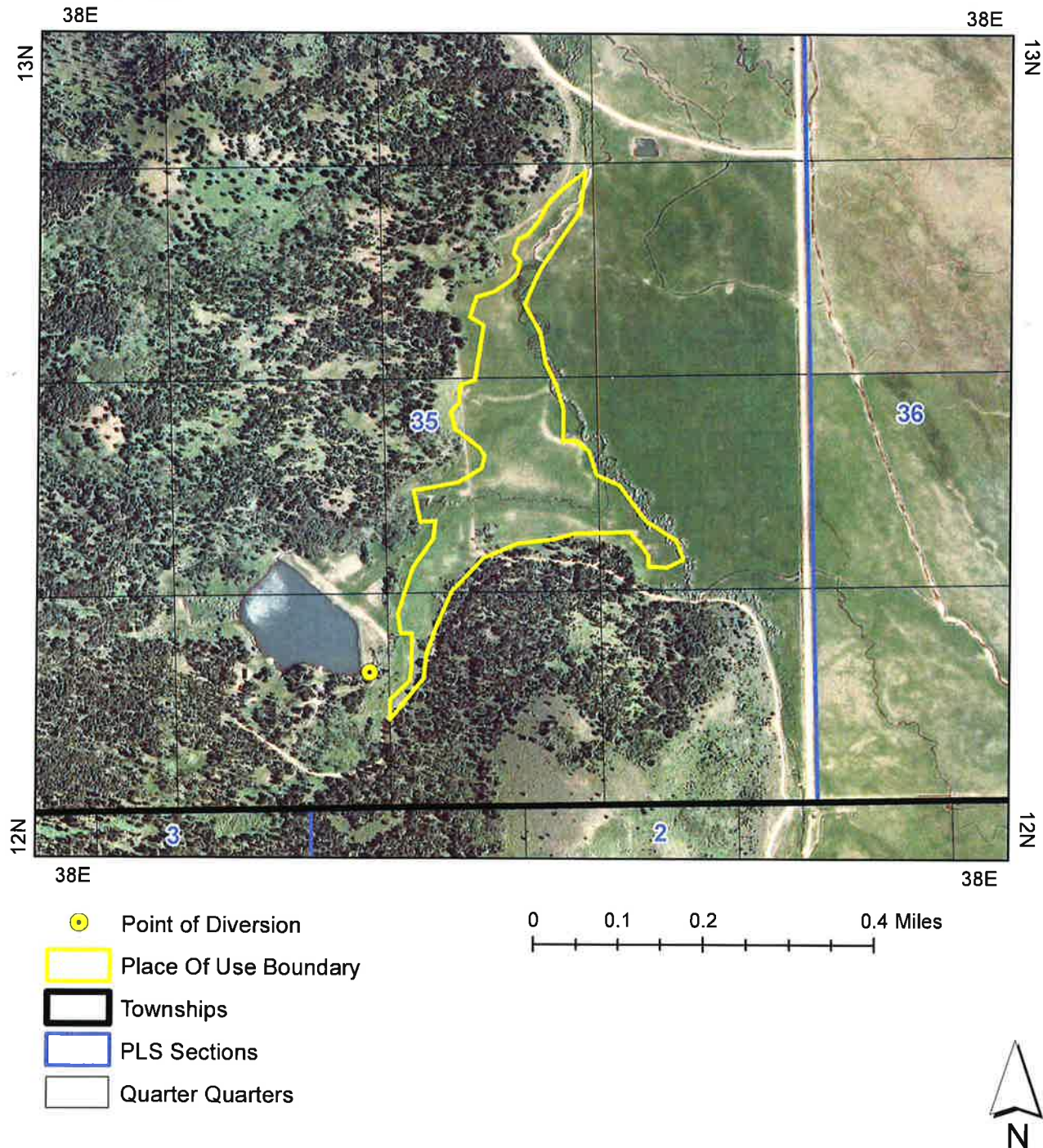
Close

State of Idaho
Department of Water Resources

Water Right 31-307

IRRIGATION

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

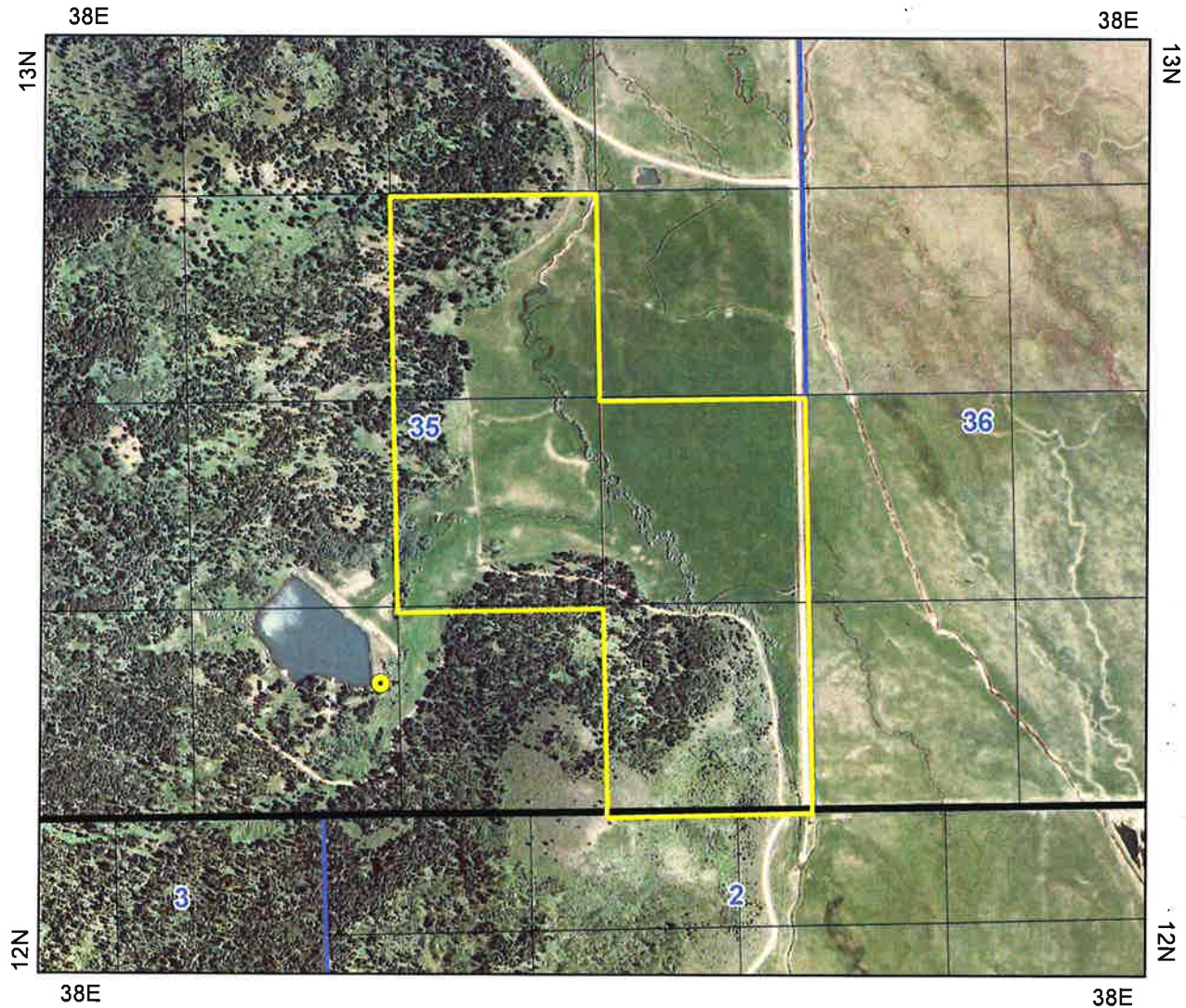


State of Idaho
Department of Water Resources

Water Right 31-307

STOCKWATER

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



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.125 0.25 0.5 Miles



Instrument # 57353

DUBOIS, CLARK, IDAHO

8-21-2018 10:30:24 AM No. of Pages: 2

Recorded for : BLOOMQUIST LAW FIRM, P.C.

PAMELA BARRETT

Fee: 13.00

Ex-Officio Recorder Deputy

Index to: AGREEMENT



After recording, return to:
BLOOMQUIST LAW FIRM, P.C.
P.O. Box 1418
Dillon, MT 59725

ABSTRACT OF WATER RIGHT SUBORDINATION AGREEMENT

THIS ABSTRACT made and entered into this 10th day of August, 2018, by and between James F. Hagenbarth and David J. Hagenbarth ("**Hagenbarth**") of P.O. Box 1128, Dillon, Montana 59725 and Dip Vat, LLC, an Idaho limited liability company ("**Dip Vat**") of P.O. Box 1128, Dillon, Montana 59725, is an abstract of a written Water Right Subordination Agreement intended to be binding upon, and inure to the benefit of the parties, their heirs, legal representatives, successors and assigns and to run with the following lands located in Clark County, Idaho, described as follows:

By Grant Deed dated December 7, 2012, and recorded in Clark County, Dubois, Idaho as Instrument # 55061, Hagenbarth conveyed the following real property and appurtenances to Dip Vat:

Section 35, Township 13 North, Range 38 East, Boise, Meridian

SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

Relevant to this Agreement, Hagenbarth retained ownership of the following real property and appurtenances:

Section 35, Township 13 North, Range 38 East, Boise, Meridian

SE $\frac{1}{4}$ SW $\frac{1}{4}$; and S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

The right to divert water under water right 31-307 shall be, and is hereby, subordinated to the Hagenbarth right and use of water right 31-7345.

Either party will provide a complete copy of the Agreement upon request at no charge.

IN WITNESS WHEREOF, the parties hereto have executed this instrument, the day and year first above written.

DIP VAT, LLC

By: David J. Haglund

Its: Managing money

State of Montana)
County of Beaverhead) ss.

SHADRA D GUINDON
NOTARY PUBLIC for the
State of Montana
Residing at
Dillon, Montana
My Commission Expires
April 22, 2019

[Signature]

State of Montana)
) ss.
County of Beaverhead)

SHADRA D GUINDON
 Notary Public for the
 State of Montana
 Residing at
 Dillon, Montana
 My Commission Expires
April 22, 2019

[Signature]



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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

December 06, 2018

DIP VAT LLC
PO BOX 1128
DILLON MT 59725-1128

Re: Change in Ownership for Water Right No(s): 31-307

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) 525-7161.

Sincerely,

Cher Ramos
Technical Records Specialist I

Enclosure(s)

cc: Water District 31
Bloomquist Law Firm

BLOOMQUIST LAW FIRM, P.C.

John E. Bloomquist
Rachel K. Meredith
Rick C. Tappan
3355 Colton Drive, Suite A
Helena, MT 59602
(406) 502-1244

OFFICES IN HELENA AND DILLON, MONTANA
www.helenalaw.com

Patti L. Rowland
Calli J. Michaels
220 South Pacific Street
P.O. Box 1418
Dillon, MT 59725-1418
(406) 683-8795

November 29, 2018

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED
DEC 03 2018
Department of Water Resources
Eastern Region

Re: Water Right /Claim 31-307 Ownership Change

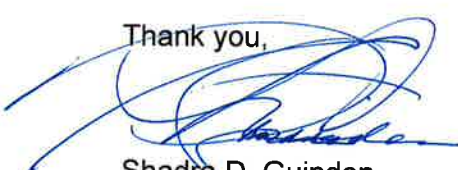
Dear IDWR:

Please find enclosed for filing a *Notice of Change in Water Right Ownership* form along with a copy of the recorded Grant Deed showing the land conveyance, IDWR's Water Right Report and maps. Also enclosed you will find a \$25.00 for the filing fee.

For additional file information, I am providing a copy of the recorded *Abstract of Water Right Subordination Agreement* between 'Hagenbarth' and 'Dip Vat'. This agreement, the property conveyance, and resulting water right ownership change are part of Hagenbarth's personal and business estate planning process and organization of property and resources.

If you have any questions, please contact attorney Patti Rowland at the firm's Dillon office by phone at (406) 683-8795 or by email at prowland@helenalaw.com.

Thank you,



Shadra D. Guindon
Legal Assistant

PLR/sdg

Enclosures

C: David J. and James F. Hagenbarth and Dip Vat, LLC *via hand delivery*
John M. Marshall, Attorney / John Marshall Law