

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 21 2018

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?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-13829	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: Bobcat Development LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Kona Residence Trust (see attached deeds for chain of title)
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 505 5th Avenue South, #900 Seattle WA 98104
Mailing address City State ZIP
- (206) 342-2000 SusanD@vulcan.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: July 27, 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: Susan Drake Susan Drake, Trustee 8/21/18
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: [Signature] Date: 8-21-18 Receipt No. 4105537 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: _____ Processed by: [Signature] Date: 8-21-18

**WARRANTY DEED**

FOR VALUE RECEIVED

4BB LLC, a Wyoming Limited Liability Company,

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

Susan Jean Drake, Trustee of the Kona Residence Trust

the Grantee, whose current address is: 505 5th Avenue South, 900, Seattle, WA 98104

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

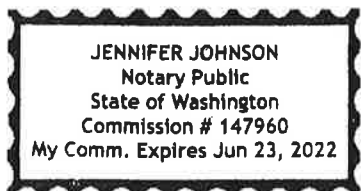
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject to and those made, suffered or done by the Grantee; and subject to all existing patent reservations; restrictions in railroad deeds of record; easements and rights of way established and of record; protective covenants of record; zoning ordinances and applicable building codes, use restrictions, ordinances, laws and regulations of any governmental unit; general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable; and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated this 27 day of July, 2018.

4BB LLC


William R. Fieldstead
Managing MemberState of Washington
County of SnohomishThis record was acknowledged before me on 27 day of July, 2018, by William R. Fieldstead, as Managing Member of 4BB LLC.

(STAMP)


Notary Public Jennifer Johnson
My Commission Expires: June 23, 2022

JENNIFER JOHNSON
Notary Public
State of Washington
Commission # 147960
My Comm. Expires Jun 23, 2022

EXHIBIT "A"
LEGAL DESCRIPTION

That portion of the Northeast Quarter of Section 24, T6N, R45E of the Boise Meridian, Teton County, Idaho described as follows:

Commencing at the northeast corner of said Section 24, said corner is marked with a rebar and cap and is on file in the Teton County Clerk's office, Teton County, Idaho as corner perpetuation and filing record #88414;

Thence N89° 49' 37"W, 30.00 feet along the north line of the Northeast Quarter of said Section 24 to a rebar with aluminum cap marked "Nelson Engr. PLS 11543" and the Point of Beginning;

Thence S00° 15' 21"W 1,573.01 feet to a rebar with aluminum cap marked "Nelson Engr. PLS 11543";

Thence N83° 25' 16"W, 13.02 feet to a rebar and plastic cap bearing the inscription "Hansen & Assoc. P.L.S. 5715";

Thence S89° 53' 01"W, 817.78 feet to a rebar and plastic cap bearing the inscription "Hansen & Assoc. P.L.S. 5715";

Thence S89° 53' 35"W, 546.11 feet to a rebar and plastic cap bearing the inscription "Hansen & Assoc. P.L.S. 5715";

Thence S89° 52' 19"W, 640.44 feet to a rebar and plastic cap bearing the inscription "Hansen & Assoc. P.L.S. 5715";

Thence S89° 21' 10"W, 593.47 feet to the fenceline of the Momchilovich property;

Thence N02° 30' 35"W 275.66 feet along the fenceline of the Momchilovich property;

Thence N89° 56' 39"W, 3.57 feet;

Thence N00° 05' 18"E, 1,314.87 feet along the west line of the Northeast Quarter of said Section 24, to the north quarter corner of said Section 24, said corner is marked with a rebar and aluminum cap bearing the inscription "AW Eng 2860" and is on file in the Teton County Clerk's Office, Teton County, Idaho as corner perpetuation and filing record #126824;

Thence S89° 49' 37"E, 2631.35 feet along the north line of the northeast quarter of said Section 24 to the Point of Beginning.

ALSO shown of record as:

All of The Highlands, Teton County Idaho, as per the plat recorded October 10, 2007, as Instrument No. 192271.

Special Warranty Deed for Water Right

4BB LLC, a Wyoming limited liability company whose address is PO Box 30000 PMB372 Jackson, WY 83002 ("**Grantor**") does hereby grant, bargain, sell, assign, and convey unto Kona Residence Trust, with offices located at 505 5th Avenue South, #900, Seattle, WA 98104 ("**Grantee**"), and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in and to the Water Right described in Attachment A attached hereto and incorporated herein by reference (the "**Water Right**").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner in fee simple of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.
- (E) Grantor has disclosed to Grantee in good faith all relevant information known to Grantor bearing on the validity and extent of the Water Right.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 27 day of July, 2018

4BB LLC



William R. Fieldstead, Managing Member

STATE OF Washington) ss.
County of Snohomish)

On this 27 day of July, 2018 before me, a Notary Public for said County and State, personally appeared William R. Fieldstead, known or identified to me, to be one of the members of the limited liability company of **4BB, LLC**, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jennifer Johnson
NOTARY PUBLIC FOR 4BB LLC
Residing at: Bothell, WA 98012
My commission expires: June 23, 2022
Jennifer Johnson

ATTACHMENT A

To Special Warranty Deed for Water Right

7/25/2018

Water Right Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/25/2018

WATER RIGHT NO. 22-13829

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOBCAT DEVELOPMENT LLC 30 N 1ST EAST DRIGGS, ID 83442 2083542087
Original Owner	GUIOMAR W HUFSMITH PO BOX 388 DRIGGS, ID 83422 2083548337

Priority Date: 02/25/1975
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FIRE PROTECTION STORAGE	01/01	12/31		5.3 AFA
DIVERSION TO STORAGE	01/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWNE|Sec. 24|Township 06N|Range 45E|TETON County

Place(s) of use:

Place of Use Legal Description: FIRE PROTECTION STORAGE TETON County

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=22&SequenceNumber=13829&SplitSuffix=%20%20&TypeWaterRight=T...> 1/3

7/25/2018

Water Right Report

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	45E	24		NWNE										

Conditions of Approval:

1. This right authorizes the diversion of an annual total of 5.3 af to be used for filling of the pond and for the replacement of losses caused by evaporation from the pond.
2. T08 Failure of the right holder to comply with the conditions of approved transfer 74098 is cause for the Director to rescind approval of the transfer.
3. 077 Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
4. The pond established by the storage of water under this right shall not exceed a total capacity of 3.4 acre feet or a total surface area of 0.8 acres.
5. The approved transfer 74098 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. The right holder shall install and maintain an impermeable liner in the pond(s) to eliminate seepage losses.
7. T07 The right holder shall accomplish the change authorized by approved transfer 74098 by July 7, 2009.
8. X59 Point of diversion is located within Teton Ridge Ranch Subdivision.
9. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 03/23/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

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

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=22&SequenceNumber=13828&SplitSuffix=%20%20&TypeWaterRight=T...> 2/3

7/25/2018

Water Right Report

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=22&SequenceNumber=13829&SplitSuffix=%20%20&TypeWaterRight=T...> 3/3

Instrument # 236223

TETON COUNTY, IDAHO
04-17-2016 16:30:00 No. of Pages: 2
Recorded for: ALLIANCE TITLE - DRIGGS OFFICE
MARY LOU HANSEN Fee: \$13.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: DEED, QUIT-CLAIM

QUITCLAIM DEED

ATEC ORDER NO.: 261291

FOR VALUE RECEIVED,

TNR Properties LLC, a Washington Limited Liability Company

do(es) hereby convey, release, remise and forever quitclaim unto

4BB LLC, a Wyoming Limited Liability Company

whose current address is:

PO Box 30000
970 W Broadway Ste E
Jackson, WY 83002

the following described premises:

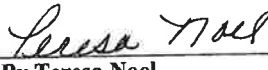
All of The Highlands, Teton County, Idaho, as per the plat recorded October 10, 2007, as Instrument No. 192271

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

Dated: March 13, 2015



By Rodger Noel
Its Member

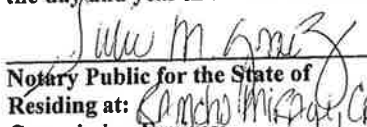


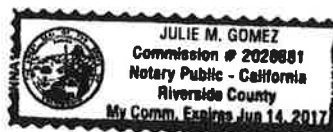
By Teresa Noel
Its Member

State of } ss
County of }

On this 13th day of March, 2015, before me, Julie M. Gomez,
a Notary Public in and for said state, personally appeared known or identified to
me to be the Members in the Limited Liability Company known as TNR Properties
LLC who executed the foregoing instrument, and acknowledged to me that he/she
executed the same in said LLC name.

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 the State of
Residing at: Rancho Mirage, Ca
Commission Expires: 6-14-17



RECORDING REQUESTED BY:
WHEN RECORDED MAIL TO:

Jones ♦ Gledhill ♦ Fuhrman ♦ Gourley, P.A.
225 N. 9th Street, Suite 820
Boise, ID 83701

ATTN: Kimbell D. Gourley, Esq.

(Space above this line for Recorder's use)

SHERIFF'S DEED

THIS INDENTURE, made this 9th day of May, 2014, between Tony Liford, Sheriff of Teton, state of Idaho, and TNR Properties LLC, a Washington limited liability company, whose address is P.O. Box 111, Yakima, Washington 98901, the purchaser.

WHEREAS, in and by that certain decree of foreclosure rendered by the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Teton, on February 27, 2013, and entered on February 27, 2013, in a certain action then pending in said court, wherein Heritage Bank was plaintiff, and Bobcat Development LLC, and William B. Moulton and Cheryl L. Moulton, and all unknown owners 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 referenced for convenience by the fictitious designations of DOES 1-20 were defendants, and of which said decree a copy, with an order of sale thereon, was delivered to said sheriff, for execution, it was, among other things, ordered, adjudged and decreed, that all and singular the mortgaged premises described in the complaint in said action, and specifically described in said decree, be sold at public auction by said sheriff, in the manner required by law, and according to the course and practice of said court; that any of the parties to said action might become the purchaser at such sale; and that said sheriff execute the usual certificates and deeds to the purchaser, as required by law;

AND WHEREAS, said sheriff did, at the hour of 10:00 o'clock a.m., on May 9, 2013, after due public notice had been given, as required by the laws of this state, and the course and practice of said court, duly sell at public auction, in front of the courthouse in the county of Teton, Idaho, pursuant to said decree, and the provisions of law, the premises in said decree mentioned; at which sale the premises in said decree, and hereinafter described were fairly struck off to TNR Properties LLC as success in interest to Heritage Bank for the sum of \$1,800,000.00, lawful money of the United States, it being the highest bidder, and that being the highest sum bidden for the same;

AND WHEREAS, TNR Properties LLC thereupon paid to said sheriff said some of money so bidden by it;

AND WHEREAS, said sheriff thereupon made and issued the usual certificate, in duplicate, of said sale, in due form of law, and delivered on thereof to said purchaser, and caused

the certificate to be filed and recorded in the Recorder's office of the county of Teton, Idaho, as Instrument No. 227923;

AND WHEREAS, more than one year had elapsed since the date of said sale, and no redemption has been made of the premises so sold, as aforesaid, by or on behalf of said defendant, or by or on behalf of any other person;

NOW, said Tony Liford, sheriff, in order to carry into effect the sale so made by him as aforesaid, in pursuance of said decree, and in conformity to the statute in such case made and provided, and also, in consideration of the premises and of said sum of \$1,800,000.00 lawful money of the United States, so bidden and paid to him by said purchaser, TNR Properties LLC, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto TNR Properties LLC and to its successors and assigns forever, the real property described on Exhibit A attached hereto.

Together with all singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all singular, the premises above mentioned and described, and hereby conveyed, or intended so to be, together with the appurtenances, to TNR Properties LLC, its successors and assigns forever.

IN WITNESS WHEREOF, said grantor, as sheriff aforesaid, hereunto sets his hand the day and year first above written.



Tony Liford,
Sheriff of Teton County
State of Idaho

STATE OF IDAHO)
) ss.
County of Teton)

On the 19 day of May, 2013, before me, the undersigned notary public in and for said State, personally appeared TONY LIFORD, sheriff of Teton County, 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 seal the day and year first above written.




Notary Public for Idaho
Residing at Teton County
Commission expires: Dec 26, 2016

EXHIBIT A
LEGAL DESCRIPTION

BEGINNING 2360 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24; TOWNSHIP 6 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, AND RUNNING THENCE NORTH 1600 FEET; THENCE WEST 2640 FEET; THENCE SOUTH 1600 FEET; THENCE EAST 2640 FEET TO THE PLACE OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE COUNTY ROAD RIGHT OF WAY ALONG THE EAST BOUNDARY OF THE ABOVE DESCRIBED PROPERTY.

ALSO LESS AND EXCEPTING THEREFROM:

A parcel of land located in the southwest quarter of the northeast quarter of Section 24, Township 6 North, Range 45 East of the Boise Meridian, Teton County, Idaho and more particularly described as follows:

Commencing at the north 1/4 corner of said Section 24, said corner is marked with a rebar and aluminum cap inscribed "AW ENG 2860";

Thence S00°05'18"W 1,314.87 feet along the west line of the northeast quarter of said Section 24 to the center north 1/16 corner of said Section 24 and the POINT OF BEGINNING for this description;

Thence continuing S00°05'18"W 275.44 feet;

Thence N89°52'22"E 16.07 feet; to the POINT OF BEGINNING.

The basis of bearing for this description is S00°05'18" W for the west line of the northeast quarter of said Section 24.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

August 21, 2018

KONA RESIDENCE TRUST
SUSAN DRAKE TRUSTEE
505 5TH AVE S STE 900
SEATTLE WA 98104

Re: Change in Ownership for Water Right No(s): 22-13829

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Perkins Coie

August 21, 2018

Kimberly L. Sampo
KSampo@perkinscoie.com

Idaho Department of Water Resources
State Office
322 East Front St., 6th Floor
P.O. Box 83720
Boise, ID 83720

RECEIVED

AUG 21 2018

**DEPARTMENT OF
WATER RESOURCES**

Re: Notice of Change in Water Right Ownership - 22-13829

To Whom It May Concern,

On behalf of Kona Residence Trust, the trustee requests that the agency update the ownership records for Water Right 22-13829 from Bobcat Development LLC to Kona Residence Trust.

Enclosed with the original Notice of Change are the following conveyance documents:

1. Sheriff's Deed recorded May 20, 2014 as Instrument No. 232449, Teton County, Idaho, from Bobcat Development LLC to TNR Properties LLC;
2. Quitclaim Deed recorded April 17, 2016 as Instrument No. 236223, Teton County, Idaho, from TNR Properties LLC to 4BB LLC;
3. Warranty Deed recorded July 31, 2018 as Instrument No. 251237, Teton County, Idaho, from 4BB LLC to Kona Residence Trust; and
4. Special Warranty Deed for Water Right dated July 27, 2018 from 4BB LLC to Kona Residence Trust.

These conveyance documents show the chain of title from Bobcat Development LLC to Kona Residence Trust as the prior owners, TNR Properties LLC and 4BB LLC, did not process an ownership change through IDWR.

Also enclosed is a check payable to IDWR for \$25 for the fee associated with this change.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Kim Sampo
Senior Paralegal

Enclosures