

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
JUL 20 2018
Department of Water Resources
Eastern 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?
21-12893 OK	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: Michael & Catherine Legge Family Limited Partnership
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): TC - Timber Creek Investments, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

PO Box 459 Bozeman MT 59711
Mailing address City State ZIP

208-558-7628 / 801-808-8563 catherine.legge@hotmail.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: April 27, 2007

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: Michael H Legge Manager 7/17/18
Signature of new owner/claimant Title, if applicable Date

Signature: Catherine A Legge Manager 7/17/18
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JPB Date 7/27/2018 Receipt No. E044226 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 JPB Processed by JPB Date 7/30/2018

Microfilm No. 506245
26 Day Oct 20 2006
10:15 O'clock M
ADRIE MACE
FREMONT CO-RECORDER
Fee \$15 Deputy
Recorded at Request of
William & Prate LLC

WHEN RECORDED, PLEASE MAIL TO:

LEGGE INVESTMENTS, LLC
1763 South East Hoytsville Road
Wanship, Utah 84074

QUIT-CLAIM DEED

FOR AND IN CONSIDERATION OF Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Michael H. Legge and Catherine A. Legge, in their capacity as General Partners of the MICHAEL AND CATHERINE LEGGE FAMILY LIMITED PARTNERSHIP, a Utah limited partnership, Grantor, hereby QUIT-CLAIMS unto

TC-TIMBER CREEK INVESTMENTS, LLC, a
Utah limited liability company,

Grantee, whose address is 1763 South East Hoytsville Road, Wanship, Utah 84074, the tracts of real property situated in Fremont County, State of Idaho, as more particularly described on Exhibit "A" which is attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, said Grantor has executed this instrument this 20th day of September, 2006.

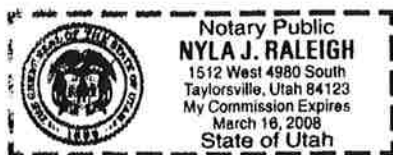
THE MICHAEL AND CATHERINE LEGGE
FAMILY LIMITED PARTNERSHIP, a Utah
limited partnership

By: Michael H Legge
Michael H. Legge, General Partner

And by: Catherine A Legge
Catherine A. Legge, General Partner

STATE OF UTAH)
) : ss.
 COUNTY OF SALT LAKE)

On the 20th day of September, 2006, before me, the undersigned Notary, personally appeared Michael H. Legge, in his capacity as General Partner of the of THE MICHAEL AND CATHERINE LEGGE FAMILY LIMITED PARTNERSHIP, Grantor, who is personally known to me or who proved to me his identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that his signature is voluntary and the document truthful.



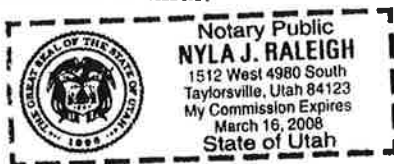
Nyla J. Raleigh
 NOTARY PUBLIC
 Residing at: Salt Lake County, Utah

My Commission Expires:

March 16, 2008

STATE OF UTAH)
) : ss.
 COUNTY OF SALT LAKE)

On the 20th day of September, 2006, before me, the undersigned Notary, personally appeared Catherine A. Legge, in her capacity as General Partner of the of THE MICHAEL AND CATHERINE LEGGE FAMILY LIMITED PARTNERSHIP, Grantor, who is personally known to me or who proved to me her identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that her signature is voluntary and the document truthful.



Nyla J. Raleigh
 NOTARY PUBLIC
 Residing at: Salt Lake County, Utah

My Commission Expires:

March 16, 2008

6436\DEED.ID2

EXHIBIT "A"**Property Description**

The following described property is located in Fremont County, State of Idaho:

Parcel No. 1

Lot 3, HENRY'S LAKE ESTATES, DIVISION NO. 1, Fremont County, Idaho, as per the recorded plat thereof.

Parcel No. 2

Lots 2, 4, 5, 8, 9 and 11 in Block 1 of HENRY'S LAKE ESTATES SUBDIVISION, Division No. 1, Fremont County, Idaho, as per the recorded plat thereof.

Parcel No. 3

Lot 10, Block 1, HENRY'S LAKE ESTATES SUBDIVISION NO. 1, DIVISION NO. 1, Fremont County, Idaho, as shown on the plat recorded January 29, 1971, as Instrument No. 321978.

Parcel No. 4

Commencing 660 feet East of the Southwest corner of Lot 1, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho; thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

Subject to an 18 foot easement across the South side of the above described property for ingress, egress and utilities for adjacent properties to the West.

Together with rights of ingress and egress to the above-described property as set out in Easement and Right of Way recorded as Instrument No. 344677.

Together with rights of ingress and egress and utilities across the South 18 feet of the following described parcel: Commencing 990 feet East of the Southwest corner of Lot 1, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho; thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

Parcel No. 5

Commencing at a point that is North along the Section line 990.0 feet from the Southwest corner of Lot 2, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho and running thence North 165 feet; thence East 660 feet; thence South 165 feet; thence West 660 feet to the point of beginning.

Subject to a 5 foot Easement along the South side of the above-described property for a foot path to the forest ground lying west of the described property.

Also subject to an 18 foot easement along the East side of the above parcel or ingress, egress and utilities to adjoining property to the North.

Together with rights of ingress and egress to the above-described property as set out in Easement and Right of Way recorded as Instrument No. 344677.

Together with rights of ingress and egress and utilities across the South 18 feet of the following two parcels:

- (1) Commencing 990 feet East of the Southwest corner of Lot 1, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho; thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.
- (2) Commencing 660 feet East of the Southwest corner of Lot 1, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho; thence East 330 feet thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

Parcel No. 6

Commencing at a point which is North along the Section line 1155.0 feet from the Southwest corner of Lot 2, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho, and running thence North 165 feet; thence East 660 feet; thence South 165 feet; thence West 660 feet to the point of beginning.

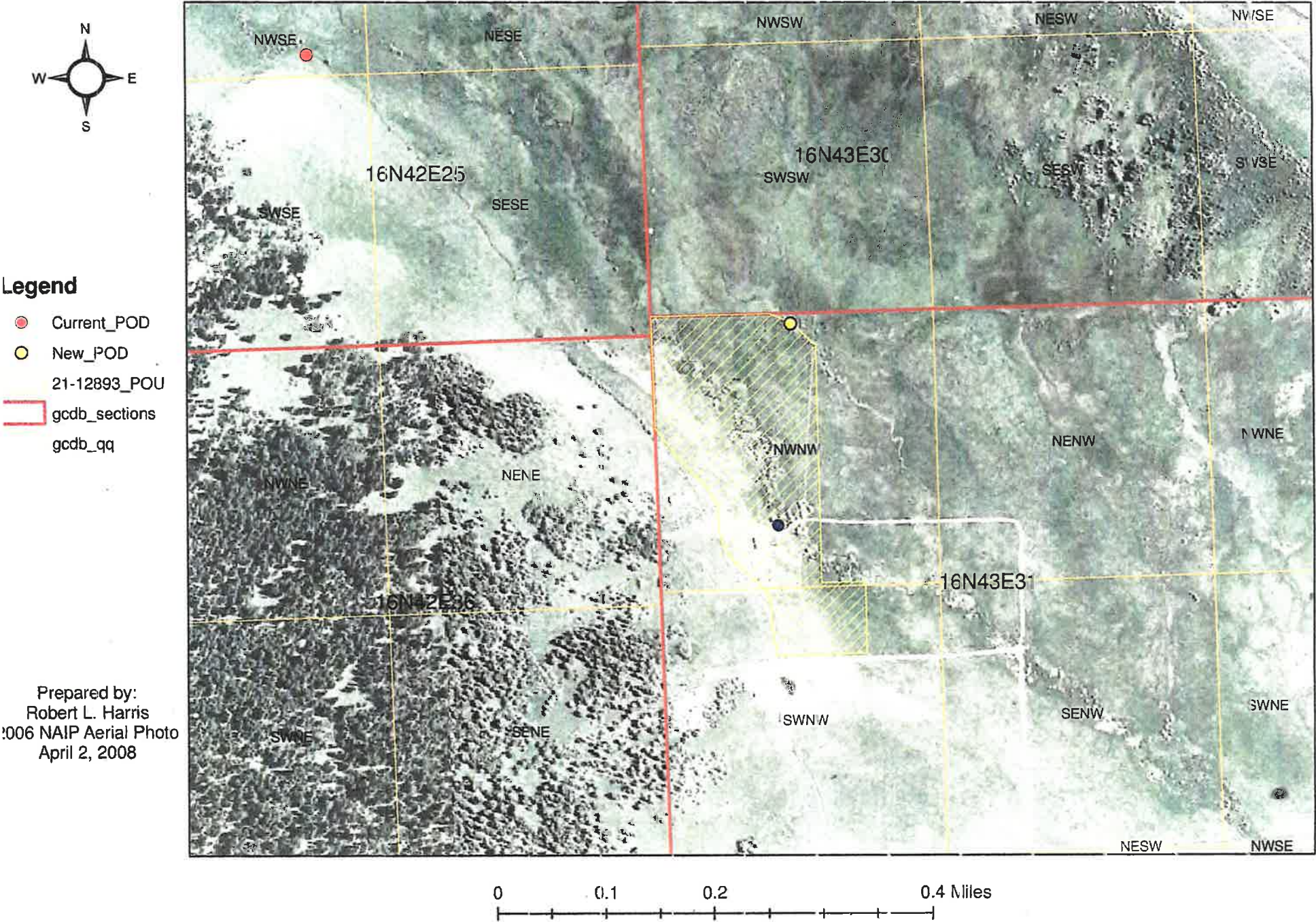
Together with rights of ingress and egress to the above described property as set out in Easement and right of way recorded as Instrument No. 344677.

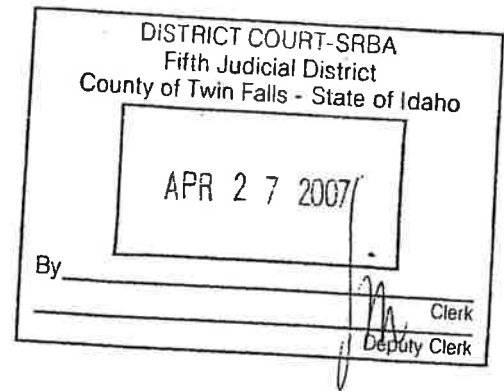
Together with rights of ingress and egress and utilities across the South 18 feet of the following two parcels:

- (1) Commencing 990 feet East of the Southwest corner of Lot 1, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho; thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.
- (2) Commencing 660 feet East of the Southwest corner of Lot 1, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho; thence East 330 feet thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

Together with rights of ingress, egress and utilities across the East 18 feet of the following parcel: Commencing at a point that is North along the Section line 990.0 feet from the Southwest corner of Lot 2, Section 31, Township 16 North, Range 43 E.B.M., Fremont County, Idaho, and running thence North 165 feet; thence East 660 feet; thence South 165 feet; thence West 660 feet to the point of beginning.

TRANSFER: Water Right No. 21-12893





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right: 21-12893

On February 13, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 26, 2007


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-12893

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 27 2007

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

MICHAEL & CATHERINE LEGGE
FAMILY LIMITED PARTNERSHIP
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS, ID 83401

SOURCE:

TIMBER CREEK TRIBUTARY: HENRYS LAKE

QUANTITY:

0.50 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE:

07/24/1897

POINT OF DIVERSION:

T16N R42E S25

SENWSE Within Fremont County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Irrigation

Stockwater

PERIOD OF USE

05-01 TO 10-31

04-01 TO 10-31

QUANTITY

0.50 CFS

0.04 CFS

PLACE OF USE:

Irrigation

T16N R43E S31 LOT 1 (NWNW) 18.0
25.0 Acres Total

Within Fremont County

LOT 2 (SWNW) 7.0

Stockwater

T16N R43E S31 LOT 1 (NWNW)

Within Fremont County

LOT 2 (SWNW)

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson

Presiding Judge of the
Snake River Basin Adjudication

2007 APR 27 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 21-12893

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 21-12893 was mailed
on April 27, 2007, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MICHAEL & CATHERINE LEGGE
Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/27/07

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Division of Corporations and Commercial Code

Help

Verification For:

Business Name: TC - TIMBER CREEK INVESTMENT, LLC

Entity Number: 10077353-0160

Business Entity Information:

Status:	Expired	Registration Date:	08/26/2016
Business Type:	Limited Liability Company		
Principal Business Address:	9300 Nash Road PO Box 459 Bozeman, MT 59771 United States		

Registered Agent Information

Registered Agent: William L Prater
6925 Union Park Center #265
Midvale, UT 84047 United States

NAICS Information

Code: 5239
Description: 5239-Other Financial Investment
Activiti

Registered Principals

Manager	Catherine A Legge	P.O. Box 459 Bozeman, MT 59771 United States
Manager	Michael H Legge	PO Box 459 Bozeman, MT 59771 United States

Sign below in order to complete this renewal and verify any changes that may have been made to this record

I declare, under penalties of perjury and as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. By typing your name

in the indicated fields, you are agreeing to conduct business electronically with the State of Utah in accordance with the federal Electronic Signatures in Global and National Commerce Act (E-Sign), 15 U.S.C.A. § 7001-7031 (Supp. 2001) and Utah's Uniform Electronic Transactions Act (UETA), Utah Code Ann. § 46 4-101 to -501 (2000). Understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form, and that if a law requires a record or signature to be in writing, **an electronic record or signature satisfies that requirement.**

Electronic Signature of authorized authority: (type your name and click submit)

William L. Prater

Submit Signature

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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

August 3, 2018

TC TIMBER CREEK INVESTMENTS LLC
PO BOX 459
BOZEMAN MT 59771-0459

Re: Change in Ownership for Water Right No(s): 21-12893

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,

Jonie Barg
Technical Records Spec I

Enclosure(s)

cc: Water District 01

Michael and Catherine Legge
PO Box 459
Bozeman, MT 59771
Phone -208-558-7628/801-808-8563

July 16, 2018

Idaho Department of Water Resources
Eastern Regional Office
900 N Skyline Drive, # A
Idaho Falls, ID 83402

RECEIVED
JUL 20 2018
Department of Water Resources
Eastern Region

Dear Sir/Madame,

Accompanying this cover letter is a Notice of Change in Water Rights Ownership along with the required items as spelled out on Form 42-248/42-1409(6) Rev. 1/15.

By this notice we are asking that the ownership of Water Right 21-12893 be changed from Michael & Catherine Legge Family Limited Partnership to TC – Timber Creek Investments, LLC. Both of these entities currently exist and are being used by Michael & Catherine Legge as tools for estate planning.

The Water Right, 21-12893, was issued on April 27, 2007 for use on properties owned by TC – Timber Creek Investments, LLC but which had been previously held by the Family Living Trust. Thus, the application for the Water Right was on the behalf of the Family Living Trust as that began in 2004. Since both the Family Living Trust and the LLC were both entities that could hold properties, water rights, etc. for the estate of Michael & Catherine Legge, our estate attorney in Utah did not see an immediate need to change the ownership of Water Right 21-12893 to the LLC.

Since 2007 the water right has been used on the properties indicated in the April 27, 2018 Decree, and the ownership of the properties has not changed. The only change since the Decree date has been the application for and the approval to change the Point of Diversion (POD) as indicated by the attached 2006 NAIP Aerial Photo with the properties owned and the old and new PODs mapped onto the photo. The POD change was necessary as the old water right delivery mechanism was gravity flow irrigation from Timber Creek, and the new delivery mechanism is a pump and spray system from Timber Creek. The pumping from Timber Creek had to be near the electrical supply for the property.

In 2017 the property owners moved from Utah to Montana and ultimately a new estate plan was initiated by a Montana attorney in Bozeman, MT. This attorney recommended, through a review of the estate plans, that the Idaho properties remain in TC – Timber Creek Investments, LLC and that other assets such as Water Right 21-12893 be removed from the Michael & Catherine Legge Family Living Partnership. Thus, we are now requesting the formal ownership change.

I have included the following documents as required, plus some additional documents to help clarify the reason for the ownership change request:

1. First, is the Quit-Claim Deed dated September 2011, 2006 whereby all of the Idaho owned properties relevant to the water right are transferred from The Michael and Catherine Legge Family Limited Partnership to TC – Timber Creek Investments, LLC.

2. Second, the aerial photograph, Prepared by Robert Harris dated April 2, 2008, which shows the place of use, the point of diversion (old and new), for water right 21-12893. Please note that the property where the water right is used (25 acres) is shown in cross-hatched yellow.
3. Third, a copy of the Order of Partial Decree for Water Right 21-12893 for your file on this application.
4. Forth, a copy of the Utah Division of Corporations and Commercial Code notification that TC – Timber Creek Investments, LLC is in good standing in Utah and reflects the new Montana address and the new registering agent, William L. Prater, a practicing attorney in Utah. This notice also shows that Michael and Catherine Legge are managers in the LCC and, thus, still own the Idaho properties as was the case with The Michael and Catherine Legge Family Living Partnership. The change to the use of an agent in Utah is because Michael and Catherine Legge no longer held property in Utah and had not Utah address.

We hope that all of this information, plus the enclosed required \$25 filing fee, is all that your department needs to process the change of ownership with your department. If any more information is required or there are any questions, please contact us using any of the following means:

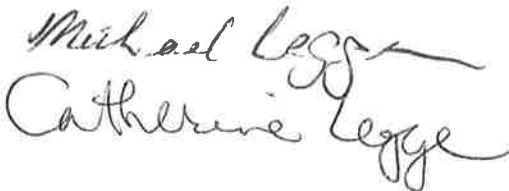
Phone numbers – Idaho land home: 208-558-7628, cell phone: 801-808-8563

Email address – catherinelegge@hotmail.com

Mailing address –

Michael & Catherine Legge
PO Box 459
Bozeman, MT 59771

Thank you,
Michael and Catherine Legge

Handwritten signatures of Michael and Catherine Legge. The signature for Michael is written above the signature for Catherine. Both are in cursive script.

E044226
\$25. - JB 7/27/18

July 21, 2018
RECEIVED

JUL 27 2018

Department of Water Resources
Eastern Region

Dear Sir/Madam,

I mailed an application for a change of ownership for water Right 21-12893 on 7/17/18 but neglected to include the filing fee of \$25 with that notice of change paperwork.

Herein please find a check for that filing fee. I apologize for any inconvenience this has caused your office.

Sincerely, Michael Legge