

RECEIVED

DE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 25 2016
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?
37-2584	Yes <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Soldier Mountain Development, Inc.
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Ix-Nay Investment Group
New owner(s) as listed on the conveyance document Name connector and or and/or

250 West 57th St., 26th Floor New York NY 10107
Mailing address City State ZIP
(212) 333-5500 jgold@mlmgmt.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: August 25, 2013

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] Paul Zukowsky, Trustee 03/16/16
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 3/25/16 Receipt No. C101742 Receipt Amt. \$25.00

Active in the Water Supply Bank? Yes No 2016 If yes, forward to the State Office for processing W-9 received? Yes No

Name on W-9 _____ Approved by _____ Processed by [Signature] Date 8-10-16

RECEIVED

AUG 08 2016

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-2584	Yes <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

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250 West 57th St., 26th Floor New York NY 10107
Mailing address City State ZIP

(212) 333-5500 jgold@mlmgmt.com
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 - \$100 per *split* water right.
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 - 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] Walter Bruce Willis 07/12/16
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 8-8-16 Receipt No. C102360 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 _____ Date _____

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

**Paul Zukowsky, Trustee
ML Management Associates, Inc.
250 West 57th Street, 26th Floor Penthouse
New York, NY 10107**

CAMAS COUNTY
Recorded for:
BRUCE WILLIS FAMILY TRUST
2:14:51 pm 06-30-2016
2016-087249
No. Pages: 2 Fee: \$13.00
KORRI BLODGETT
County Clerk
Deputy: **AFROSTENSO**

(Space above line for Recorder's use)

CORRECTED QUITCLAIM DEED

FOR VALUE RECEIVED, Grantor, SOLDIER MOUNTAIN DEVELOPMENT, INC. an Idaho Corporation, does hereby convey, release, remise and forever quitclaim unto Grantee, IX-NAY INVESTMENT TRUST dated December 15, 1989, Paul Zukowsky, Trustee, whose address is 250 W. 57th Street, 26th Floor Penthouse, New York, NY 10107, any and all right, title and interest Grantor now has or may hereafter acquire in the following described premises, situated in Camas County, Idaho, to-wit:

Township 1 South, Range 16, East, Boise Meridian, Camas County, Idaho:

Section 4: Lot 4, SW1/4NW1/4, W1/2SW ¼
Section 5: Lots 1 & 2, S 1/2NE1/4, N1/2SE1/4

TO HAVE AND TO HOLD, all and singular the said premises, together with the tenements, hereditaments and appurtenances belonging or appertaining thereto, including all appurtenant water rights (**Water Right Number 37-2584**) unto Grantee, and to Grantee's heirs and assigns forever.

DATED this 7 day of June, 2016.

SOLDIER MOUNTAIN DEVELOPMENT, INC.

Walter Bruce Willis
Signature

By: Walter Bruce Willis, Its President

ACKNOWLEDGMENT

STATE OF New York)
County of New York) ss.

On this 7th day of June, 2016, before me, the undersigned notary public, personally appeared WALTER BRUCE WILLIS, know to me, or proven to me by oath and identification, to be the President of SOLDIER MOUNTAIN DEVELOPMENT, INC., an Idaho corporation which executed the foregoing instrument, and acknowledge to me that he/she executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Tracy Rant
Notary Public for State of New York
Residing at 20 Flower St Hicksville NY 11801
My Commission Expires: 4/27/18
TRACY RANT
NOTARY PUBLIC - STATE OF NEW YORK
No. 01RA4995731
Commission Expires April 27, 2018

CAMAS COUNTY
Recorded for:
THE MINT BAR INC
9:13:33 am 08-29-2013
2013-085431
No. Pages: 2 Fee: \$13.00
KORRI BLODGETT
County Clerk
Deputy: **BWALTON**

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

**Douglas A. Werth
WERTH LAW OFFICE, PLLC
101 E. Bullion St., Ste. 3F
Hailey, ID 83333**

(space above line for Recorder's use)

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**Section 4: Lot 4, SW1/4NW1/4, W1/2SW1/4
Section 5: Lots 1 & 2, S1/2NE1/4, N1/2SE1/4.**

TO HAVE AND TO HOLD, all and singular the said premises, together with the tenements, hereditaments and appurtenances belonging or appertaining thereto, including all appurtenant water rights, unto Grantee, and to Grantee's heirs and assigns forever.

DATED this 23 day of August, 2013.

SOLDIER MOUNTAIN DEVELOPMENT, INC.

[Signature]
By: Louise Weber, Its President

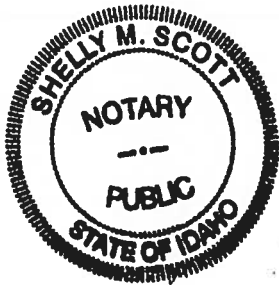
ACKNOWLEDGMENT

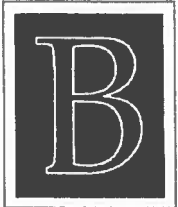
STATE OF Idaho)
County of Blaine) ss.

On this 23rd day of August, 2013, before me, the undersigned notary public, personally appeared LOUISE WEBER, known to me, or proven to me by oath and identification, to be the President of SOLDIER MOUNTAIN DEVELOPMENT, INC., an Idaho corporation which executed the foregoing instrument, and acknowledged to me that he/she executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

[Signature]
Notary Public for State of Idaho
Residing at Blaine County
My Commission Expires: 11/16/17





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 09 2011

DEPARTMENT OF
WATER RESOURCES

August 5, 2011

Monica Van Bussum
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Soldier Mountain Development Inc/37-2584

Dear Mrs. Van Bussum:

Soldier Mountain Development desires to lease 270 acres or 2.21/945 cfs/afa of irrigation ground water to the Idaho Water Supply Bank for a period of five years.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., E.I.T.

Cc: Soldier Mountain Development

Enc: Annual Report, Aerial Map, Brockway Engineering Check 10233 for \$250.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

AUG 09 2011

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____
Receipt No. C093738
(For Department Use Only)

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Soldier Mountain Development Inc Phone 208-788-1051

Mailing address 126 South Main ST STE B9 Hailey, Idaho 83333 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	
<u>37-2584</u>	<u>2.21/945</u>	<u>Irrigation</u>	<u>04/15</u>	to <u>10/31</u>
_____	_____	_____	_____	to _____
_____	_____	_____	_____	to _____
Total Amount: <u>2.21/945</u>				

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
01S	16E	04			SE	SW	Camas

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	16E	3																		20
01S	16E	4																		40
01S	16E	9	40	40	40	40	30													120
																				130

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 270

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes No
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.

2. Is the water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes No
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Existing pump, motor, pressurized system

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

N/A

3. Will the present place of use continue to receive water from any source? Yes No

If yes, describe. _____

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes No

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes No

If yes, describe. SRBA

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale or lease ?


If Lease, for a period from 11/01/2012 to 11/01/2017 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the Idaho Water Resource Board. Include the method of determining the minimum payment if other than the current rental rate. Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.


Signature of Applicant

Louise Weber, President
Printed Name and Title*

7/22/11
Date

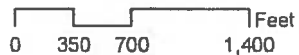
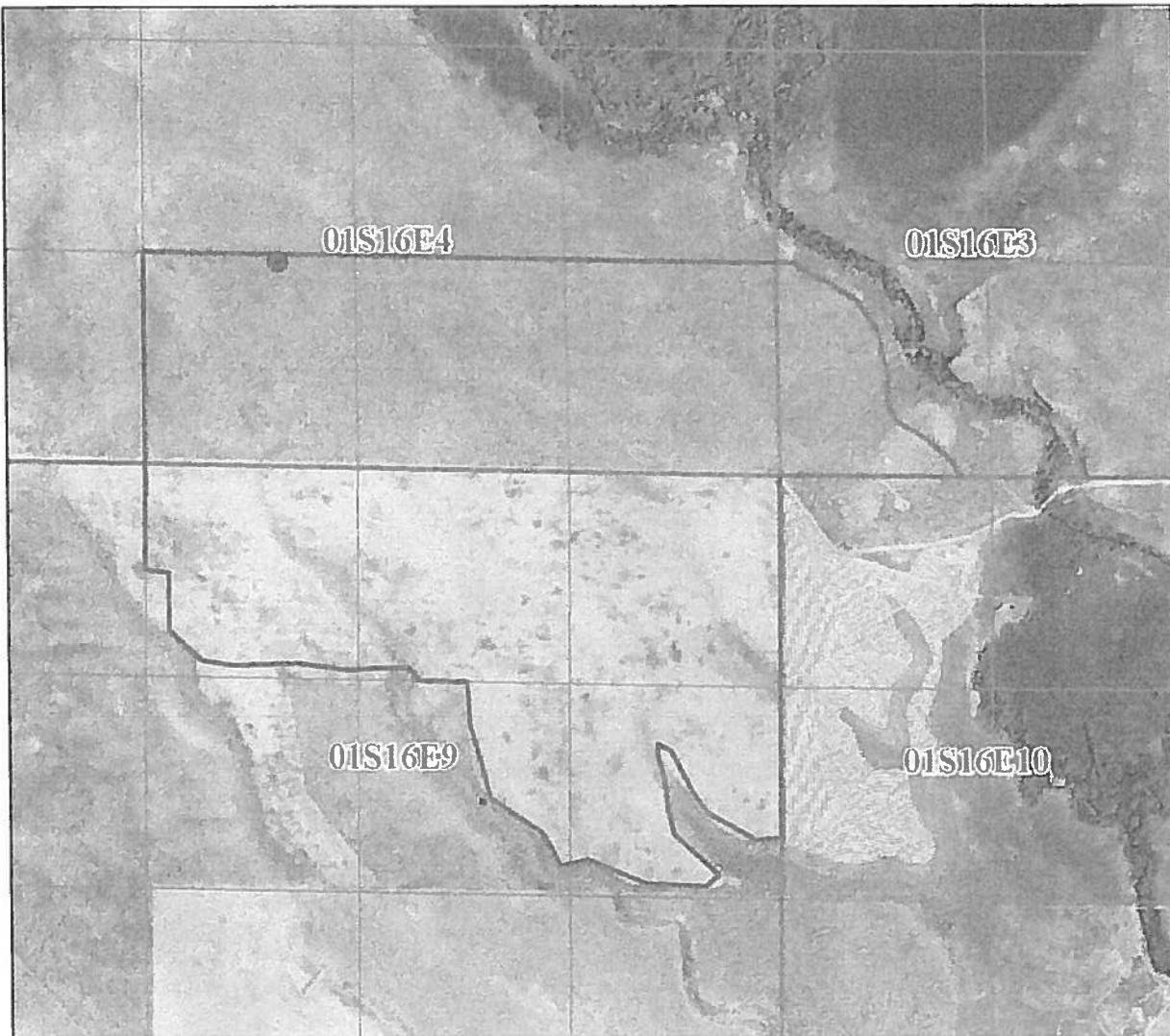
Signature of Applicant

Printed Name and Title*





Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

No. C 116466		Due no later than Sep 30, 2010 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. SOLDIER MOUNTAIN DEVELOPMENT, INC. LOUISE WEBER 126 S. MAIN, STE. B9 HAILEY ID 83333 USA		NED C. WILLIAMSON, ESQ 115 SECOND AVE S HAILEY ID 83333			
				3. New Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
PRESIDENT	LOUISE WEBER	126 S. MAIN, STE. B9	HAILEY	ID	USA	83333	
5. Organized Under the Laws of: ID C 116466		6. Annual Report must be signed.* Signature: Shelly Scott Name (type or print): Shelly Scott Date: 07/19/2010 Title: Office Manager					
Processed 07/19/2010		* Electronically provided signatures are accepted as original signatures.					



**SOLDIER MOUNTAIN DEVELOPMENT INC
WATER BANK RENTAL 37-2584 , 2011
NAIP 2009 AERIAL**

- Legend**
-  Rec_POD_37-2584
 -  Rec_POU_37-2584
 -  Sections_T_1_S_R
 -  qq lines



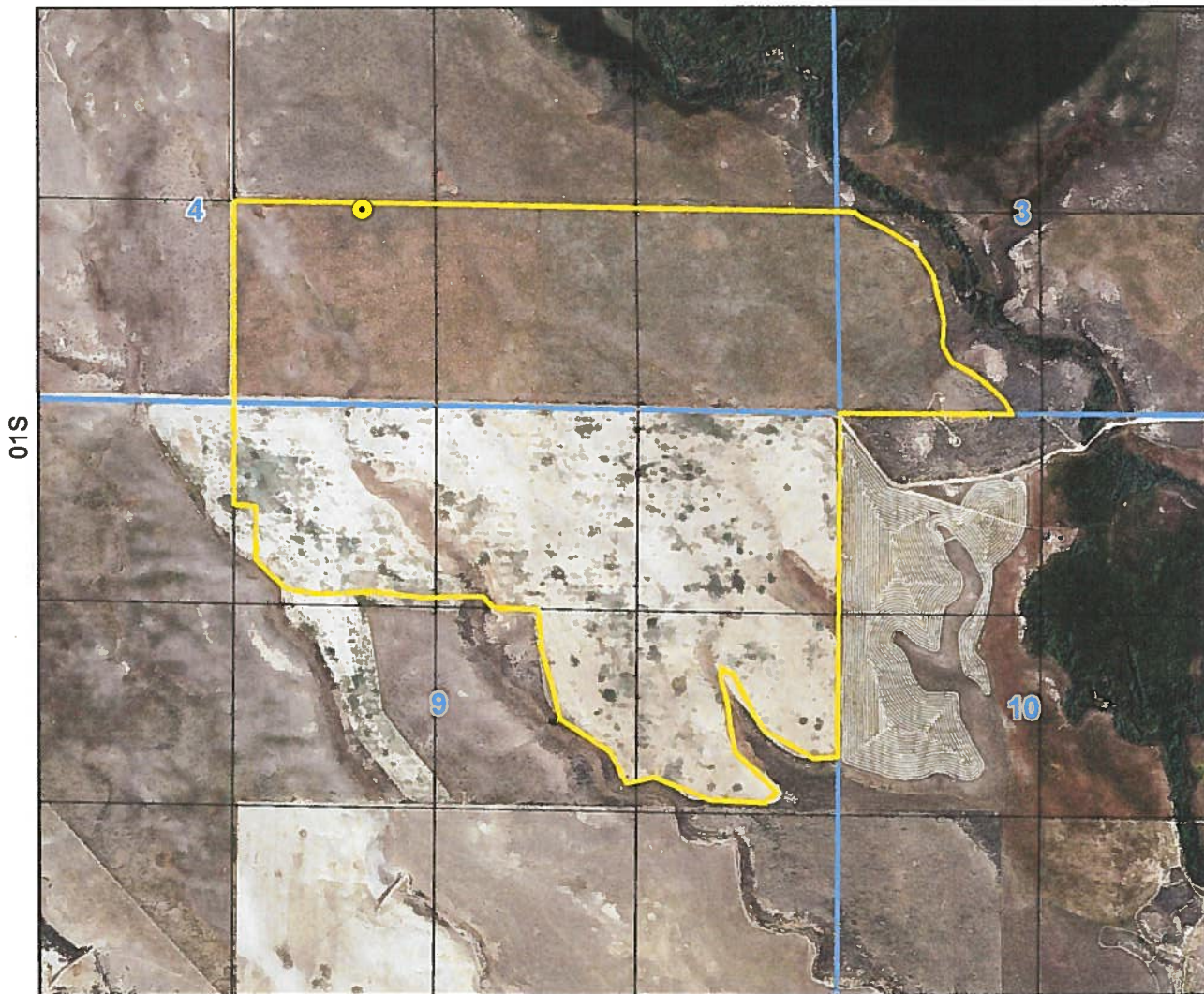
State of Idaho
Department of Water Resources

Water Right 37-2584

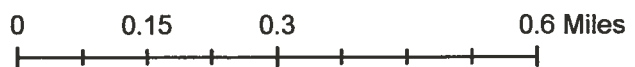
IRRIGATION

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.

16E



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



Van Bussum, Monica

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Friday, August 12, 2011 2:22 PM
To: Van Bussum, Monica
Subject: Soldier Mountain

Monica,

The Soldier Mountain lease application that was submitted for 37-2584 is intended to be leased from 11/2011 through 11/2016. Thank you.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, ID 83301
Office: 208-736-8543
Fax: 208-736-8506



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

August 17, 2011

C. L. "BUTCH" OTTER
Governor

SOLDIER MOUNTAIN DEVELOPMENT INC
126 S MAIN ST STE B9
HAILEY ID 83333

GARY SPACKMAN
Interim Director

RE: APPLICATION TO LEASE WATER RIGHT NO. 37-2584 TO THE WATER SUPPLY BANK

Dear Lessor:

The Department of Water Resources ("Department") has completed its review of your application to lease the above-mentioned water right number to the Water Supply Bank ("Bank"). The offered water right is accepted into the Bank in accordance with the attached Water Supply Bank Lease Acceptance. If you do not agree with the conditions of the Lease Acceptance and would like to withdraw your water right from the Bank, you must contact the Department within thirty (30) days of receipt of this notification.

The right will be automatically be released from the bank on **December 31, 2016**, unless the right is released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right from the Bank, you must submit a request in writing to the Department prior to the release date.

Please review the conditions of acceptance listed on the Lease Acceptance and contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: Allen Merritt – IDWR Southern Regional Office
Greg Sullivan – Brockway Engineering PLLC

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE ACCEPTANCE**

This is to certify that: **SOLDIER MOUNTAIN DEVELOPMENT INC**
126 S MAIN ST STE B9
(208) 788-1051

has requested to lease the water right(s) listed below to the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director", "Department") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

Summary of Water Rights or Portions Leased to the Bank

	<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
	37-2584	2.21 CFS	945.0 AF	NA	270.0 AC
COMBINED LEASE TOTALS:		2.21 CFS	945.0 AF	NA	270.0 AC

TERM OF LEASE:

Lease Begin Date: November 1, 2011

Expiration Date: December 31, 2016

RENTAL AVAILABILITY:

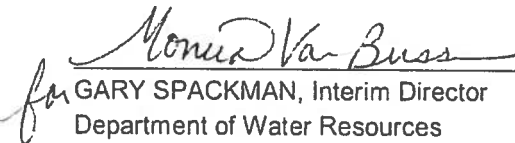
Season of Use: April 15 to October 31 annually

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 12th day of August, 2011


for **GARY SPACKMAN**, Interim Director
Department of Water Resources

**WATER RIGHT NO. 37-2584
WATER SUPPLY BANK LEASE ACCEPTANCE**

The water right or portion thereof leased to the bank is described as follows:

Lessor: SOLDIER MOUNTAIN DEVELOPMENT INC
126 S MAIN ST STE B9
HAILEY ID 83333
(208) 788-1051

Priority Date: 11/04/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2.21 CFS	945.0 AF
	Total:		2.21 CFS	945.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SW¼ Sec. 04 Twp 01S Rge 16E CAMAS County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	16E	3											20						20
01S	16E	4												40			40	40	120
01S	16E	9	40	40	10	10	30												130

Total Acres: 270

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.

**WATER RIGHT NO. 37-2584
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

9. In accordance with Idaho Code § 42-248 and 42-1409(6), all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 10, 2016

IX NAY INVESTMENT GROUP
250 W 57TH ST 26TH FLOOR
NEW YORK, NY 10107

Re: Change of Ownership for Water Right/Permit No(s): 37-2584

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

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 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 § 42-222 and §42-223, Idaho Code.

A refund of \$25 has been requested and will be sent to you under separate cover from the Idaho State Controller's Office. A payment for this request was received on March 25, 2016 for \$25 and August 8, 2016 for \$25. Fees for ownership changes are \$25 per water right.

Please note, water right(s) 37-2584 was leased to the Water Supply Bank (bank) in 2011. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. The right(s) will remain in the bank until December 31, 2016, unless released earlier by the Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within **120 days** of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: August 10, 2016
RE: Refund: Ownership change fee paid twice

Please refund \$25.

NAME: IX-NAY INVESTMENT GROUP
ADDRESS: 250 W 57TH ST 26TH FLOOR
New York, NY 10107

RECEIPT #: C102350

Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Monday, May 02, 2016 11:56 AM
To: 'jgold@mlmgmt.com'
Subject: change of ownership for IX-Nay Investment Group Water right 37-2584
Attachments: 37-2584 wrWaterRightProofReport.rtf

Dear Interested Party(s):

The Department of Water Resources received your request for a change of ownership of water rights 37-2584. After reviewing the documents provided, it was determined that the deed provided did not convey the property associated with water right 37-2584.

The place of use for water right 37-2584 is located in Township 01S, Range 16E, Section 3, SWSW, Section 4, SESW and Section 9 NENE, NWSE, SWNE, SENE, NENW. The quitclaim deed you provided conveys property in Township 01S, Range 16E, Section 4, Gov't Lot 4, SWNW and W1/2SW and Section 5 Gov't Lots 1 & 2, S /2 NE and N1/2SE. The Department needs a conveyance document that conveys the property for which water right 35-2584 is appurtenant. I have attached a copy of the water right proof report for you benefit.

Please also include documentation that allows Paul Zukowsky to sign on behalf of IX-Nay Investment Group.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your request unprocessed. You can send the documents to the address above, fax it to (208) 287-6700, attention Jean or email to jean.hersley@idwr.idaho.gov.

If you have any questions, please contact me at the number below.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*