

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 28 2015

Notice of Change in Water Right Ownership DEPT OF WATER RESOURCES
SOUTHERN 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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-22993 / 37-511	Yes ☒	37-2321 →	Yes ☒	37-22991	Yes ☐
37-22988 / 37-512	Yes ☒	37-11894	Yes ☐		Yes ☐
37-22989 / 37-513	Yes ☒		Yes ☐		Yes ☐
37-22990 / 37-1067A	Yes ☒		Yes ☐		Yes ☐
37-22992 / 37-1213	Yes ☒		Yes ☐		Yes ☐

2. Previous Owner's Name: Roy E. Crawford
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Roy E. Crawford
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|-------------------------|-------------------------------|-----------|--------------|
| <u>165 Phillip Road</u> | <u>Woodside</u> | <u>CA</u> | <u>94062</u> |
| Mailing address | City | State | ZIP |
| <u>415-203-9268</u> | <u>royecrawford@gmail.com</u> | | |
| 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 2006

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

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.

SUPPORT DATA

IN FILE # 37-511

8. Signature: [Signature] Title, if applicable _____ Date December 22, 2015

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 DMDate 12-28-2015Receipt No. 5035173 + 5035174Receipt Amt. \$337.50Approved by [Signature]Processed by [Signature]Date 1-5-2016

#337.50

#375.-

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-22993 / 37-511	Yes ☒	Yes ☐	37-22991 / 37-2321	Yes ☒	Yes ☐
37-22988 / 37-512	Yes ☒	Yes ☐	37-11893	Yes ☐	Yes ☐
37-22989 / 37-513	Yes ☒	Yes ☐	37-11896	Yes ☐	Yes ☐
37-22990 / 37-1067A	Yes ☒	Yes ☐		Yes ☐	Yes ☐
37-22992 / 37-1213	Yes ☒	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Roy E. Crawford/The McGrath 1998 Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): The McGrath 1998 Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 190 Stonewall Road Berkeley CA 94705
Mailing address City State ZIP
510-693-5600 donmcgrath@diamondbearpartners.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: March 2008
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.

SUPPORT DATA

IN FILE #

37-511

8. Signature: [Signature] McGrath 1998 Trust DEC 15, 2015
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 DM Date 12-28-2015 Receipt No. 5035173 Receipt Amt. 337.50
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by [Signature] Processed by [Signature] Date 1-5-2016

Water Transfer Agreement

Recitals:

On or about August 4, 2005, Clint Stennett ("Stennett") and Roy E. Crawford ("Crawford") purchased a ranch, together with water rights, near Picabo, Idaho, from Mr. & Mrs. Moj Broadie ("the Broadies"). Because of a temporary moratorium on land subdivision in Blaine County, the ranch and water rights were purchased with Stennett and Crawford owning the property as tenants in common. When the moratorium was lifted, the approximately 552.5 acres of the former Broadie ranch was split. Stennett became the sole owner of approximately 244.2 acres; Crawford became the sole owner of approximately 237.15 acres; and joint ownership as tenants in common continued on approximately 71.145 acres. The water rights were not addressed in the land split transaction.

Subsequently, in November 2006, Don McGrath ("McGrath") purchased the interests of Clint Stennett. McGrath subsequently transferred his interest to the McGrath Trust ("McGrath Trust"). The McGrath Trust consequently owns approximately 244.2 acres in fee and is owner as tenants in common with Roy E. Crawford of approximately 71.145 acres.

At the time of the original sale of the ranch to Stennett and Crawford the existing water rights owned by the Broadies were used to irrigate part of the lands originally owned by the Broadies. For several years prior to the sale of the ranch to Stennett and Crawford, the Broadies leased part of a groundwater right from the owner of the Suzy Q Ranch, and put that water to beneficial use for irrigation on land owned by the Broadies. That groundwater right is now denominated water right number 37-22586, and the current lessor of the water right is SCI Properties LLC. At the present time, the place of use of water right 37-22586 is on land owned by the McGrath Trust. The Broadies also owned three separate water rights for domestic and

stockwater uses. The place of use of two of these rights is on land owned by the McGrath Trust and the place of use of the third right is on land owned by Crawford.

The McGrath Trust and Crawford now desire to split both the deeded and leased water rights so that each own one-half of the deeded irrigation water rights and each lease one-half of the leased irrigation water rights, and so that the stockwater and domestic water rights are owned by the owner of the land on which the place of use is designated. They have separately determined the location of the place of use for each of these separately owned water rights. However, because at the present time there is more land under irrigation on land owned by McGrath Trust than on land owned by Crawford, and because both McGrath Trust and Crawford lease their property to the same lessee, it is agreed that the place of use described in this water transfer agreement will not initially be split evenly between land owned by McGrath Trust, Crawford, with some water assigned to the jointly owned parcel. Crawford retains the right in his sole and absolute discretion, without notice to the McGrath Trust, to change the place of use of water rights owned or leased by him but initially assigned to a place of use on land owned by the McGrath Trust, and on the jointly-owned property, to any place designated by Crawford. Now, therefore, it is agreed as follows:

1. Water rights 37-511, 37-512, 37-513, 37-1067A, 37-1213, and 37-2321 will be split on an even 50-50 basis between McGrath Trust and Crawford. McGrath Trust and Crawford have their sole, separate rights to designate the place of use of their respective water rights.
2. McGrath Trust will be the sole owner of water rights 37-11893 and 37-11896, while Crawford will be the sole owner of water right 37-11894. There will be no change in the place of use in these three rights.

3. Attached as Exhibit A to this Water Transfer Agreement is a map that shows the initial place of use as determined by McGrath and Crawford. This map reflects a change to the map initially emailed to Crawford by Bill Mills of the Idaho Department of Water Resources on June 15, 2015.

a. The deeded surface irrigation water rights owned by McGrath Trust will be “stacked” with a place of use as follows:

SWSW Section 36	23.5 Acres
NWNW Section 1	36 Acres
NENW Section 1	5 Acres
SWNW Section 1	19 Acres
SENW Section 1	15 Acres
Total	98.5 Acres

b. The deeded surface irrigation water rights owned by Crawford will be stacked with a place of use as follows:

NWNE Section 35	15 Acres
SENE Section 35	2.8 Acres
NESE Section 35	23 Acres
SWSE Section 35	28 Acres
SESE Section 35	25.2 Acres
SWSW Section 36	4.5 Acres
Total	98.5 Acres

It is recognized that the 15 acres located on NWNE Section 35 is on land jointly owned by McGrath Trust and Crawford, and that the 4.5 acres located in SWSW Section 36 is on land owned by McGrath Trust.

c. The leased water right 37-22586 leased by McGrath Trust would have a place of use as follows:

NENE1, Section 2	41 Acres
SENE5, Section 2	32 Acres
SWNW, Section 1	15.8 Acres
Total	88.5 Acres

d. The leased water right 37-22586 leased by Crawford will have a place of use as follows:

SENE Section 35	32 Acres
SWNE Section 35	36 Acres
SENE Section 35	17 Acres
NWNE Section 35	.9 Acres
SESE Section 35	2.8 Acres
Total	88.7 Acres

It is recognized that the .9 acres in NWNE Section 35 is on land jointly owned by McGrath Trust and Crawford.

4. Crawford reserves the right to change the place of use at his sole discretion and without notice of the following owned surface water rights as follows:

NWNE Section 35	15 Acres (This is the jointly owned property)
SWSW Section 36	4.5 Acres (This is on land owned by McGrath Trust)
Total	19.5 Acres

5. Crawford reserves the right to change the place of use at his sole discretion and without notice of the following leased water right 37-22586 as follows:

NWNE Section 35	0.9 Acres
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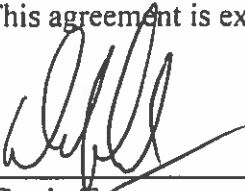
6. The place of diversion of surface irrigation rights owned by the McGrath Trust will change to the present location of the place of rediversion on Silver Creek in NENW of Section 1 of the leased water right 37-22586.

The place of diversion of surface irrigation rights owned by Crawford will not change.

The place of rediversion of water rights 37-22586 leased by Crawford will be at the place of diversion of surface irrigation rights owned by Crawford on the Suzy Q Ranch in NWNW of Section 36.

The place of rediversion of water right 37-22586 leased by the McGrath Trust will not change.

7. This agreement is executed in multiple counterparts, each of which will be an original.



Don McGrath, Trustee
The McGrath Trust



Roy E. Crawford

Date

Dec 15, 2015

Date

Dec 3, 2015