

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

SEP 10 2015

WATER RESOURCES
WESTERN 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?
65-2267	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-2502	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-2668	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-3895	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Donald K. Weilmunster
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Hopkins Growth Fund, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|---------------------|---------------------------------|-----------|--------------|
| <u>PO Box 670</u> | <u>Meridian</u> | <u>ID</u> | <u>83680</u> |
| Mailing address | City | State | ZIP |
| <u>208-467-5467</u> | <u>www.hopkinsfinancial.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: March 16, 2011
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 # 65-2267

8. Signature: [Signature] Member Manager 9/10/15
 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 9/10/15 Receipt No. WD43479 Receipt Amt. \$100⁰⁰

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 X Approved by [Signature] Processed by [Signature] Date 9/22/15

Instrument # 359118
VALLEY COUNTY, CASCADE, IDAHO
3-16-2011 03:15:47 No. of Pages: 4
Recorded for : MARK D PERISON, PA
ARCHIE N. BANBURY Fee: 19.00
Ex-Officio Recorder Deputy
Index to SHERIFF'S DEED



SHERIFF'S DEED

THIS DEED Is made and delivered by the SHERIFF OF VALLEY COUNTY, STATE OF IDAHO, as Grantor, to HOPKINS GROWTH FUND, L.L.C., as Grantee, whose current address is P.O. Box 670, Meridian, Idaho, 83680.

A Second Writ of Execution was issued out of and under the seal of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Valley, Case No. CV-08-255C, on January 29, 2010, upon a Judgment, Order of Sale, and Decree of Foreclosure dated October 10, 2009, and entered October 19, 2009, in favor of Plaintiff Hopkins Growth Fund, L.L.C., and against Defendants Tamarack Resort LLC, a Delaware limited liability company; Jean-Pierre Boespflug and Jane Doe Boespflug (whose true name is Nancy L. Boespflug), husband and wife; Alfredo Miguel Afif and Jane Doe Afif (whose true name is Gina Miguel Bejos), husband and wife; Daniel K. Moore dba Snow Hog; and Westrock L.P., a Delaware limited partnership. The Writ directed the Sheriff, the Grantor herein, to sell the real property of Tamarack Resort LLC located in Valley County, Idaho, and described in said Judgment, Order of Sale, and Decree of Foreclosure, on March 11, 2010, and to issue a certificate of sale to the highest bidder according to law.

The Grantor did sell all of the right, title and interest which Tamarack Resort LLC so had to the lands, tenements, real estate and premises particularly described in Exhibit "A" attached hereto, on March 11, 2010, at public auction, on the front steps of the Valley County Courthouse, located at 219 N. Main Street, Cascade, Valley County, Idaho, after having first given due notice of the time and place of such sale according to law. The premises were struck off and sold to the Grantee herein for the sum of Five Million Dollars (\$5,000,000.00), bid in credit, which was the highest sum bid for said property. The Grantor then executed and delivered to the Grantee a certificate of said sale dated March 11, 2010, as is by law directed to be given, and such certificate was duly filed in the Office of the Recorder of the County of Valley. The certificate of sale was subject to redemption rights afforded to the defendants by law for a period of one year after the sale.

One year has now expired, without any redemption of said premises having been made by any party with the right to do so.

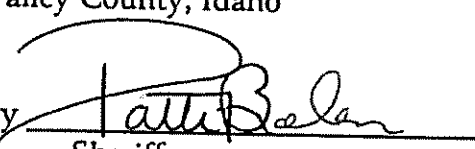
THEREFORE, The Sheriff, as Grantor, pursuant to the law of the State of Idaho, does hereby grant, bargain, sell, convey, and confirm unto the said Grantee, forever, all the right, title, interest, and claim which Tamarack Resort LLC had on March 11, 2010, or at any time thereafter, or which it may now have, in and to that parcel of land situate, lying, and being in the County of Valley, State of Idaho, and bounded and particularly described in Exhibit "A" attached hereto, together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD The said premises, with the appurtenances, unto said Grantee, its heirs and assigns, forever, as fully and absolutely as the said Sheriff can, may, or ought to grant, bargain, sell, convey, and confirm, by virtue of the said Second Writ of Execution and of the statutes of the State of Idaho.

IN WITNESS WHEREOF, The said Sheriff, as Grantor, has hereunto set her hand and seal this 16 day of March, 2011.

PATTI BOLEN, Sheriff,
Valley County, Idaho

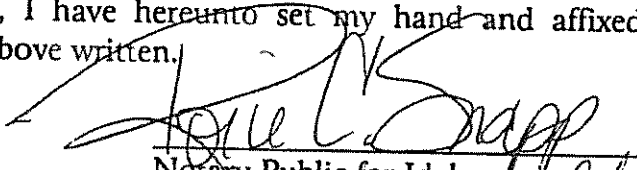
By


Sheriff

STATE OF IDAHO)
 : ss.
County of Valley)

On this 16 day of March, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared Patti Bolen, the duly appointed and incumbent Sheriff of Valley County, Idaho, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she, as such Sheriff, executed the same.

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


Notary Public for Idaho

Residing at Cascade, ID

Commission expires 12/15/2011

EXHIBIT A

Parcel 1

A portion of Government Lot 1, Section 6, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho and more particularly described as follows:

The East 330 feet of the North 660 feet and that portion of the East 330 feet of the South 660 feet lying Northeasterly of a line extended from the Northwest corner thereof to the Southeast corner there. AKA Tax No. 1

AND

Government Lot 4, Southwest Quarter Northwest Quarter; West half Southwest Quarter; West half Northeast Quarter Southwest Quarter; Northwest Quarter Southeast Quarter Southwest Quarter, Section 4, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho; Government Lots 1, 2, 3 and 4; South half Northeast Quarter; North half Southeast Quarter; Southeast Quarter Southeast Quarter; Southwest Quarter Northwest Quarter, Section 5, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho.

SAVE AND EXCEPT that portion of the Southwest Quarter Northwest Quarter, Section 5, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho and more particularly described as follows:

The South half Southwest Quarter Southwest Quarter Northwest Quarter; Southwest Quarter Southeast Quarter Southwest Quarter Northwest Quarter and that portion of the Southeast Quarter Southeast Quarter Southwest Quarter Northwest Quarter lying Southwesterly of the diagonal line extended from the Northwest corner thereof to the Southeast corner thereof.

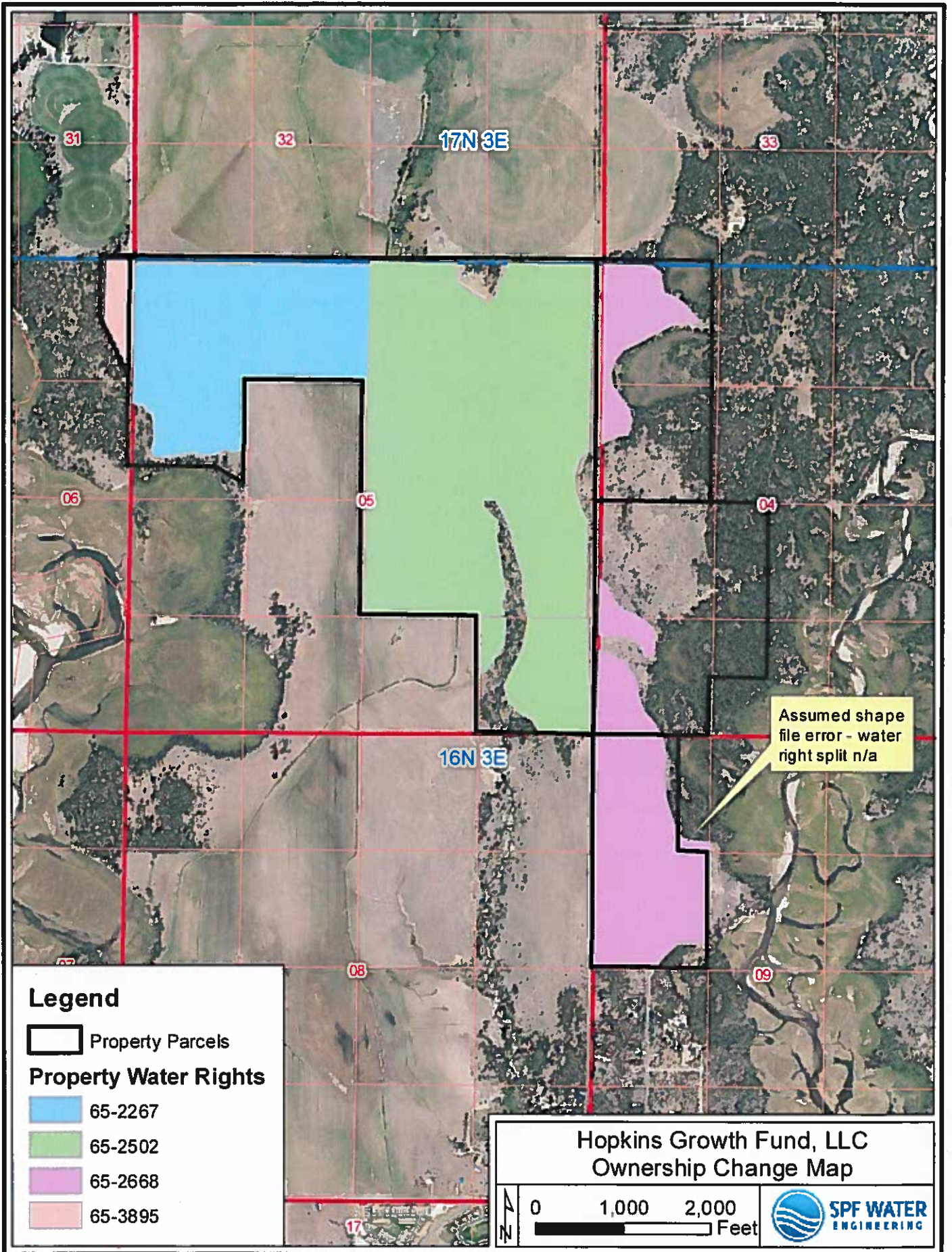
Parcel 2

West half East half Northwest Quarter Northwest Quarter; West half Northwest Quarter Northwest Quarter; Southwest Quarter Northwest Quarter, Section 9, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Parcel 3

A permanent easement to use any non flooded portion of the following described lands of the following described lands for farming and grazing purposes and as a means of access to water for stock watering purposes. Said easement is subject at all times and subordinate to the paramount right of the United States, its successors and assigns to use these lands for reservoir purposes and to construct and maintain a reservoir thereon and the right to enter and use these lands for all purposes incidental to or necessary or proper in connection with the construction and maintenance of a reservoir thereon, and the exclusive right of the United States, its successors and assigns, to own and possess, to enter and clear the same, to use and occupy these lands, for any and all purposes other than farming grazing and a means of access to stock water, over and across:

East half Northeast Quarter Southwest Quarter; East half Southeast Quarter Southwest Quarter; Southwest Quarter Southeast Quarter Southwest Quarter, Section 4, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho; and East half Northwest Quarter; East half East half Northwest Quarter Northwest Quarter, Section 9, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho.



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/2/2015

WATER RIGHT NO. 65-2267

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD K WEILMUNSTER PO BOX 4 GARDEN VALLEY, ID 83622 (208)462-3777
Attorney	MILLEMANN PITTENGER & MC MAHAN LLP BRIAN L MC MAHAN AND/OR STEVEN J MILLEMANN PO BOX 1066 MC CALL, ID 83638 (208)634-7641
Original Owner	C W PARKS ESTATE 4719 ALPINE BOISE, ID 83705 (208)343-2876
Original Owner	VALBOIS INC PO BOX 309 2 W ROSEBERRY RD DONNELLY, ID 83615 (208)325-4400
Original Owner	C W PARKS 444 E IDAHO BLVD EMMETT, ID 83617

Priority Date: 11/30/1921

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MUD CREEK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	1.9 CFS	
Total Diversion			1.9 CFS	

Location of Point(s) of Diversion:

MUD CREEK|NENW|Sec. 29|Township 17N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16N	03E	5	3	NENW	39	4	NWNW	39		SWNW	22			

Total Acres: 100

Conditions of Approval:

1. 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.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE IN 17N,03E, S29, NENW: 65-03834, 65-02268, 65-08624, 65-02573, 65-02484A, 65-11398, 65-02237.

Dates:

Licensed Date:

Decreed Date: 10/31/2000

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: AND

Water District Number: 65

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

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Water Right Report

9/2/2015

WATER RIGHT NO. 65-2502

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD K WEILMUNSTER PO BOX 4 GARDEN VALLEY, ID 83622 (208)462-3777
Attorney	MILLEMANN PITTENGER & MC MAHAN LLP BRIAN L MC MAHAN AND/OR STEVEN J MILLEMANN PO BOX 1066 MC CALL, ID 83638 (208)634-7641
Original Owner	C W PARKS ESTATE 4719 ALPINE BOISE, ID 83705 (208)343-2876
Original Owner	VALBOIS INC PO BOX 309 2 W ROSEBERRY RD DONNELLY, ID 83615 (208)325-4400
Original Owner	C W PARKS 444 E IDAHO BLVD EMMETT, ID 83617

Priority Date: 08/03/1948
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
MUD CREEK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	5.4 CFS	
Total Diversion			5.4 CFS	

Location of Point(s) of Diversion:

MUD CREEK|NWNE Lt 2|Sec. 05|Township 16N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY 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>
16N	03E	5	1	NENE	38	2	NWNE	39		SWNE	40		SENE	37
				NESE	33		NWSE	40		SESE	29			

Total Acres: 256

Conditions of Approval:

1. 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.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02668 & 65-03895.

Dates:

Licensed Date:

Decreed Date: 10/31/2000

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: AND

Water District Number: 65

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](#)

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Water Right Report

9/2/2015

WATER RIGHT NO. 65-2668

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD K WEILMUNSTER PO BOX 4 GARDEN VALLEY, ID 83622 (208)462-3777
Attorney	MILLEMANN PITTENGER & MC MAHAN LLP BRIAN L MC MAHAN AND/OR STEVEN J MILLEMANN PO BOX 1066 MC CALL, ID 83638 (208)634-7641
Original Owner	C W PARKS ESTATE 4719 ALPINE BOISE, ID 83705 (208)343-2876
Original Owner	VALBOIS INC PO BOX 309 2 W ROSEBERRY RD DONNELLY, ID 83615 (208)325-4400
Original Owner	C W PARKS 444 E IDAHO BLVD EMMETT, ID 83617

Priority Date: 02/19/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MUD CREEK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	1.91 CFS	
Total Diversion			1.91 CFS	

Location of Point(s) of Diversion:

MUD CREEK|NWNE Lt 2|Sec. 05|Township 16N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY 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>
16N	03E	4	4	NWNW	17		SWNW	5						
				NWSW	2		SWSW	13						
		9		NWNW	26		SWNW	36						

Total Acres: 99

Conditions of Approval:

1. 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.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-03895 & 65-02502.

Dates:

Licensed Date:

Decreed Date: 10/31/2000

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: AND

Water District Number: 65

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/2/2015

WATER RIGHT NO. 65-3895

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD K WEILMUNSTER PO BOX 4 GARDEN VALLEY, ID 83622 (208)462-3777
Attorney	MILLEMANN PITTENGER & MC MAHAN LLP BRIAN L MC MAHAN AND/OR STEVEN J MILLEMANN PO BOX 1066 MC CALL, ID 83638 (208)634-7641
Original Owner	C W PARKS ESTATE 4719 ALPINE BOISE, ID 83705 (208)343-2876
Original Owner	C W PARKS 4719 ALPINE YELLOW PINE, ID 83677

Priority Date: 10/15/1950

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MUD CREEK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	0.14 CFS	
Total Diversion			0.14 CFS	

Location of Point(s) of Diversion:

MUD CREEK|NWNE Lt 2|Sec. 05|Township 16N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16N	03E	6		NENE	7									

Total Acres: 7

Conditions of Approval:

1. 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: 10/31/2000

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: AND

Water District Number: 65

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



SPF WATER
ENGINEERING

September 8, 2015

RECEIVED

SEP 10 2015

WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Notice of Change in Water Right Ownership

Dear Angie,

Enclosed on behalf of Hopkins Growth Fund, LLC, is a *Notice of Change in Water Right Ownership* for water rights 65-2267, 65-2502, 65-2668 and 65-3895 currently in the name of Donald K. Weilmunster.

Check No. 10041 for \$100 is enclosed for the filing fee (\$25/right). Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Randy Hopkins

Enclosures

SPF file number: 1055.0030