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Form 42-248/42-1409(6) Rev. 08/14

SEP 02 2014

AUG 28 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

DEPT 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?
22-13582 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-13434 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: WELLS FARGO BANK NA
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): TETER, LLP 401K PLAN FBO CLAY DAVIS
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 10672 N. LANES RD. FRESNO CA 93730
Mailing address City State ZIP
- 559.994.6882 clay.davis@teterae.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 31, 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] Title, if applicable: _____ Date: AUGUST 22, 2014
- Signature: _____ Title, if applicable: _____ Date: _____

For IDWR Office Use Only:

Received by [Signature] Date 8-28-2014 Receipt No. 5034273 Receipt Amt. \$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 10/8/2014

Instrument # 228940

TETON COUNTY, IDAHO
07-31-2013 08:36:00 No. of Pages: 3
Recorded for: ALLIANCE TITLE - DRIGGS OFFICE
MARY LOU HANSEN Fee: \$16.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: DEED, SPECIAL WARRANTY

SPECIAL WARRANTY DEED

Alliance Title & Escrow Corp
Order No.: 197148

FOR VALUE RECEIVED

Wells Fargo Bank, N.A.

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Teter, LLP 401(k) Plan fbo Clay Davis

whose current address is

10672 N. Lanes Rd, Fresno, CA 93730

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

Tract I:

Parcel 8: A part of the North Half of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as: From the C Quarter corner of said Section 5, thence North 89°33'31" West 1323.96 feet along the South line of the Southeast Quarter Northwest Quarter to the Southwest Corner of said Southeast Quarter Northwest Quarter and thence North 00°01'02" West 667.60 feet further along the West line of the Southeast Quarter Northwest Quarter to the true point of beginning; thence North 00°01'02" West 667.60 feet further along the West line of the Southeast Quarter Northwest Quarter to the Northwest corner of the Southeast Quarter Northwest Quarter of said Section 5; thence South 89°17'00" East 1331.19 feet to a point; thence South 00°09'41" West 662.55 feet to a point; thence North 89°30'00" West 1329.07 feet to the point of beginning.

Parcel 9: A part of the North Half of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as: Commencing at the C Quarter corner of said Section 5, the point of beginning, thence North 89°33'31" West 1323.96 feet along the South line of the Southeast Quarter Northwest Quarter to the Southwest corner of the Southeast Quarter Northwest Quarter of said Section 5; thence North 00°01'02" West 667.60 feet along the West line of the Southeast Quarter Northwest Quarter of said Section 5 to a point; thence South 89°30'00" East 1329.07 feet to a point; thence South 00°09'41" West 67.13 feet to an iron pin; thence South 00°27'01" West 599.09 feet to the point of beginning.

Tract 1A:

Together with an easement for ingress, egress and utilities across the following described easement, said easement being 60 feet wide and lying Westerly and Southerly of the following described line: Beginning at the Center Quarter corner of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, the point of beginning; thence North 00°27'01" West 599.09 feet; thence North 00°09'41" West 729.68 feet; thence North 00°46'00" West 662.20 feet; thence North 01°01'26" West 861.16 feet; thence South 89°52'09" East 2644.94 feet more or less to the point of ending.

GRANTOR, for itself and its successors in interest, does by these presents expressly limit the covenants of this deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomever lawfully claiming or to claim by, through or under Grantor and not otherwise, Grantor will forever warrant and defend such described Property, subject to the matters described on Schedule 1 attached hereto.

Dated: 7/26/2013

Wells Fargo Bank, N.A.

Delores L. Pomerinke
Delores L. Pomerinke, Officer

STATE OF Colorado)

) ss.

COUNTY OF Denver)

I certify that I know or have satisfactory evidence that Delores L. Pomerinke is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as an officer of Wells Fargo Bank, National Association, to be the free and voluntary act of such company for the uses and purposes mentioned in the instrument.

Dated this 26 day of July, 2013Kim Cooksey
NOTARY PUBLIC in and for the State of ColoradoResiding at: 1700 LincolnMy Commission expires: 07-26-2015 12/28/2015

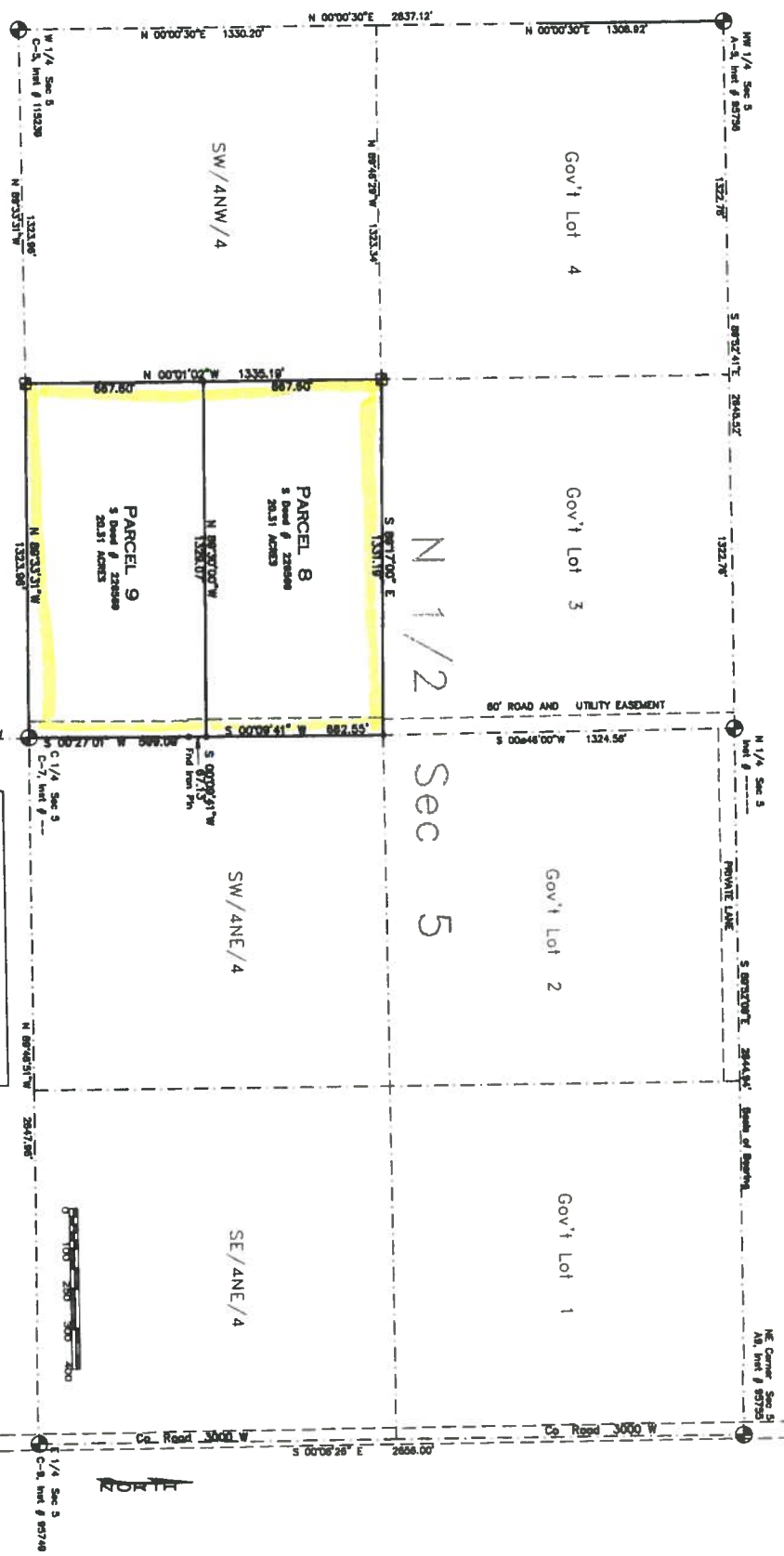
SCHEDULE 1

This conveyance is made and accepted subject to all restrictions, reservations, covenants, and exceptions appearing of record in the Official Public Records of Real Property (and related and predecessor real property records) of the County in which the Property is located, to the extent such matters are applicable to the Property, including without limitation: all restrictions, reservations, covenants, and exceptions listed in the commitment for title insurance issued in connection with this Deed.

This conveyance is also made and accepted subject to the following, but only to the extent that they are still in effect and affect the Property: (1) existing deed restrictions and restrictive covenants affecting the Property; (2) discrepancies, conflicts and shortages in area or boundary lines, or any encroachments or any overlapping of improvements; (3) taxes for the current year and subsequent years and subsequent assessments for prior years due to change in land usage or ownership; (4) existing building and zoning restrictions and ordinances; (5) easements or roads, easements visible upon the ground, easements of record; (6) liens created or assumed as security for the purchase price; (7) rights or privileges of public service companies and utility easements of record or common to any platted subdivision of which the Property is a part; (8) reservations or other exceptions of record or known to the Grantee; (9) the terms and provisions of any declaration, by-laws and rules and regulations of any condominium regime or homeowner's association pertaining to the Property, as amended, including the platted easements and assessments set out therein; (10) the terms of any ground rent, ground lease or similar agreements, if any; (11) any matters that would be reflected on a current survey of the Property; (12) any other liens, encumbrances, easements, covenants or restrictions of record or known to the Grantee; (13) rights of parties in possession; (14) any and all other restrictions and zoning laws, regulations and ordinances of municipal and/or other governmental authorities.

Grantee and its agents having completed a full inspection of the Property and any improvements located thereon, there is no warranty, express or implied, made or given by Grantor except as to title as herein given and limited; the Property is conveyed "AS-IS," "WHERE IS," and no warranty or representation of any kind, express or implied, is made as to the condition of the Property, whether improvements or fixtures, sub-soil conditions, or natural or man-made conditions on or under the Property or otherwise; GRANTEE DOES HEREBY WAIVE, AND GRANTOR DOES HEREBY DISCLAIM, ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, OF ANY KIND, NATURE OR TYPE WHATSOEVER WITH RESPECT TO THE PROPERTY, including by way of description but not limitation, those of CONDITION, CHARACTERISTICS, MERCHANTABILITY, TENANT ABILITY, HABITABILITY, SUITABILITY, and FITNESS FOR A PARTICULAR PURPOSE OR USE, and Grantee releases Grantor from any claim, cause of action or other assertion of right with regard thereto.

PROPERTY DESCRIPTION TRACT II



PARCEL 8

PARCEL 9

A part of the N 1/4 of Section 5, Twp 5 N, Rng 45 E, 34th, Teton Co, Idaho, being further described as follows: Beginning at the NW corner of said Section 5, Thence N 87°32'31" W, 1283.96 feet along the South line of the SE 1/4 NW 1/4 to the NW corner of said SE 1/4 NW 1/4, thence S 87°32'31" W, 1283.96 feet along the West line of the SE 1/4 NW 1/4 to the NW corner of the SE 1/4 NW 1/4, thence S 87°32'31" W, 667.60 feet to the NW corner of the SE 1/4 NW 1/4, thence S 87°32'31" W, 667.60 feet to a point, thence N 87°32'31" W, 1283.97 feet to the point of beginning. Contains 22.31 acres more or less.

A part of the N 1/4 of Section 5, Twp 5 N, Rng 45 E, 34th, Teton Co, Idaho, being further described as follows: Beginning at the NW corner of said Section 5, Thence N 87°32'31" W, 1283.96 feet along the South line of the SE 1/4 NW 1/4 to the NW corner of said SE 1/4 NW 1/4, thence S 87°32'31" W, 667.60 feet along the West line of the SE 1/4 NW 1/4 to the NW corner of the SE 1/4 NW 1/4, thence S 87°32'31" W, 667.60 feet to a point, thence N 87°32'31" W, 1283.97 feet to the point of beginning. Contains 22.31 acres more or less.

ACCESS EASEMENT DESCRIPTION (Cada from Deed # 228688)
Subject to and together with a 60 foot wide road and utility easement across the West side of the NW 1/4 and the North side of the NE 1/4 of Section 5, Twp 5 N, Rng 45 E, 34th, Teton Co, Idaho, containing the following described estate:
Thence N 00°00'30" E, 2844.34 feet more or less to the County Road.
Thence S 87°32'31" E, 2844.34 feet more or less to the County Road.

SURVEYOR'S CERTIFICATE
I, Arnold W. Hightower, being a registered Land Surveyor / Engineer in Idaho, # 2860, do hereby certify that I did make and supervise the survey of the land as herein plotted and described hereon.



LEGEND

- SECTION CORNER - FOUND OR SET AS NOTED
- SECTION 1/4th CORNER - FOUND
- PROPERTY CORNER - FOUND 5/17 FROM PM
- DEED
- SECTIONAL DEED
- PROPERTY BOUNDARY
- ROAD & UTILITY EASEMENT - NOTED OR AS NOTED

RECORDERS CERTIFICATE

Instrument # 228688
TETON COUNTY, IDAHO
Recorded by JAM EMMERTSON
WALTER LOU HANSEN, County Clerk
Date of Recording: 08/07/13

RECORD OF SURVEY

N 1/2 of Sec 5, Twp. 5 N., Rng. 45 E., Shown of Survey
B.M., TETON COUNTY, IDAHO

Wellie Fargo Bank
Agent: Lane Davis
Silver Lake, Idaho 83427
561 S. Main P.O. Box 473
Draper, Idaho 83427

AW Hightower
221 SOUTH MAIN P.O. BOX 130
VICTOR, IDAHO 83455
(208) 787-2882 arnold@awh.com

Survey: D.C. 8/08/13 Day: 08/25/13 P.M. # : 2013-037/survey

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Online Offers
 Hotels in Driggs

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SUBJECT PARCEL

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Water Right Report

8/25/2014

WATER RIGHT NO. 22-13582

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WELLS FARGO BANK NA 1700 LINCOLN ST 7TH FLOOR MAC # C7300-079 DENVER, CO 80203-4500 303-863-5307
Original Owner	JAMES E HATCH PO BOX 2 DRIGGS, ID 83422 (208)354-8248
Original Owner	STANFORD HUFF PO BOX 483 DRIGGS, ID 83422 (208)354-2333
Original Owner	MATTHEW F BITNER
Original Owner	SALLY B BITNER 720 N 350 E TREMONTON, UT 84337-1040 (435)257-9977

Priority Date: 01/08/1991

Basis: License

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>
IRRIGATION	04/15	10/15	0.67 CFS	
Total Diversion			0.67 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNE|Sec. 05|Township 05N|Range 45E|TETON County

Licensed Diversion Capacity: 2.74

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON 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>
05N	45E	5		SE NW	35									

Total Acres: 35

Conditions of Approval:

1. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 122.5 af for the lands above.
3. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Dates:

Licensed Date: 06/30/1995

Decreed Date:

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:

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

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

8/25/2014

WATER RIGHT NO. 22-13434

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WELLS FARGO NA MAC C7300-079 1700 LINCOLN ST 7TH FLOOR DENVER, CO 80203 (303) 863-5307
Attorney	BEARD ST CLAIR GAFFNEY PA 2105 CORONADO ST IDAHO FALLS, ID 83404 (208)557-5217
Attorney	HOPKINS RODEN CROCKETT HANSEN & HOOPES C/O C TIMOTHY HOPKINS PO BOX 51219 IDAHO FALLS, ID 83405-1219 (208)523-4445
Original Owner	MATTHEW F BITNER
Original Owner	SALLY B BITNER 720 N 350 E TREMONTON, UT 84337-1040 (435)257-9977

Priority Date: 06/15/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.78 CFS	
Total Diversion			0.78 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK|NESESW|Sec. 33|Township 06N|Range 45E|TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON 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>
05N	45E	5		SENW	39									

Total Acres: 39

Conditions of Approval:

1. F01 Water is delivered through Bell McCracken ditch.
2. P21 This right is a split from former right 22-388.
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.
3. C18

Dates:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

State of Idaho
Department of Water Resources

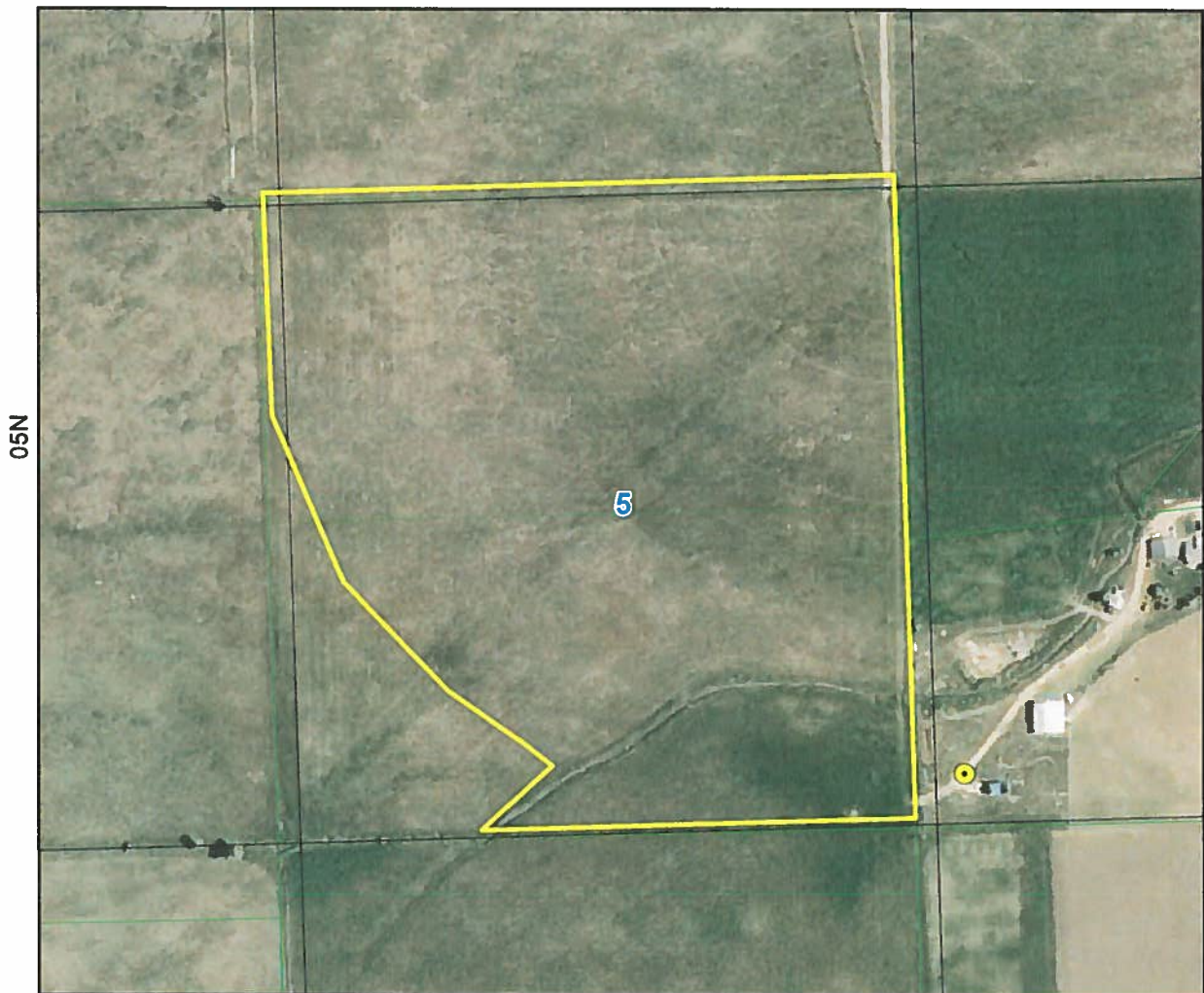
Water Right

22-13582

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.

45E



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

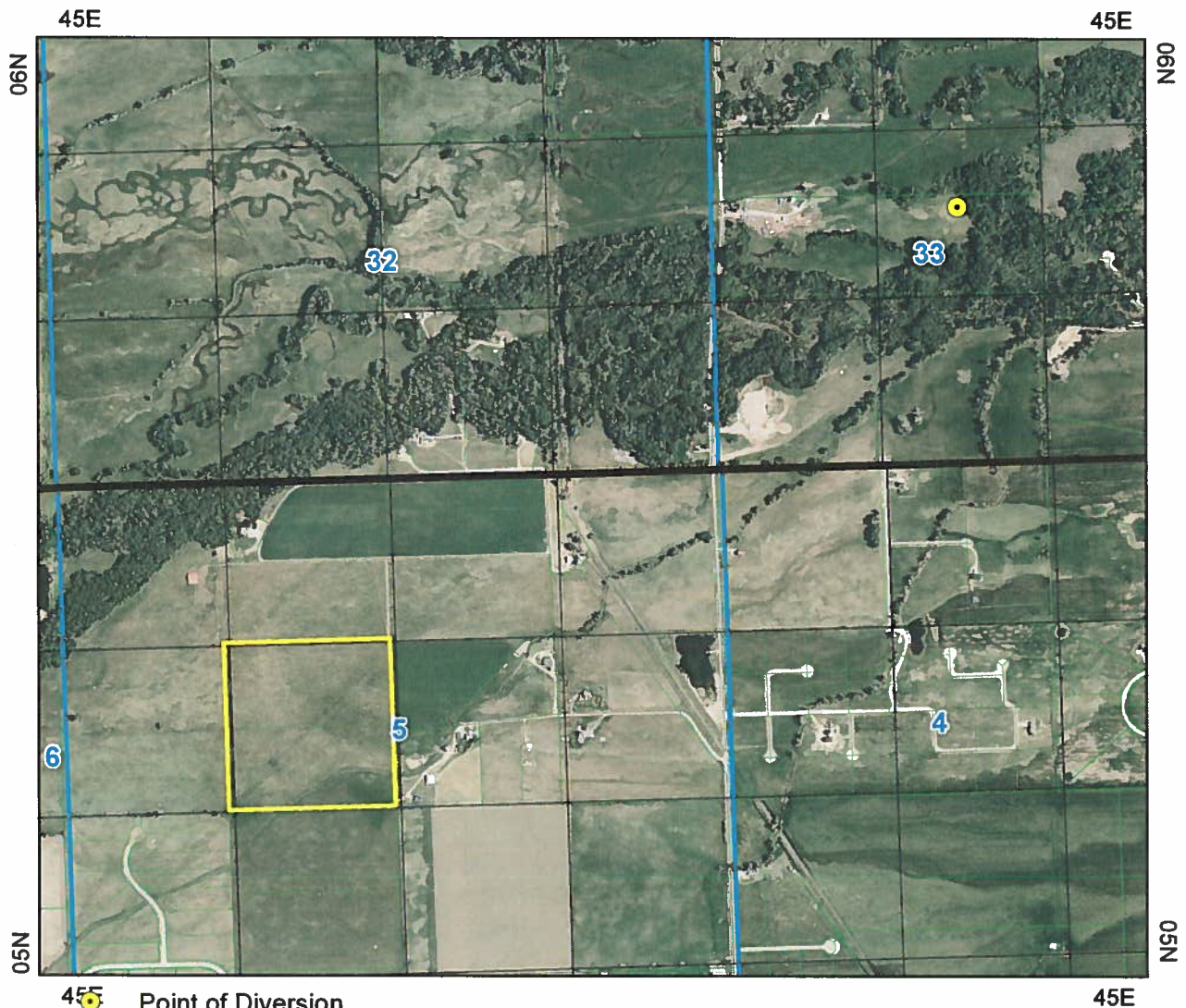
0 0.045 0.09 0.18 Miles



State of Idaho
Department of Water Resources
Adjudication Claim
22-13434

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.



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

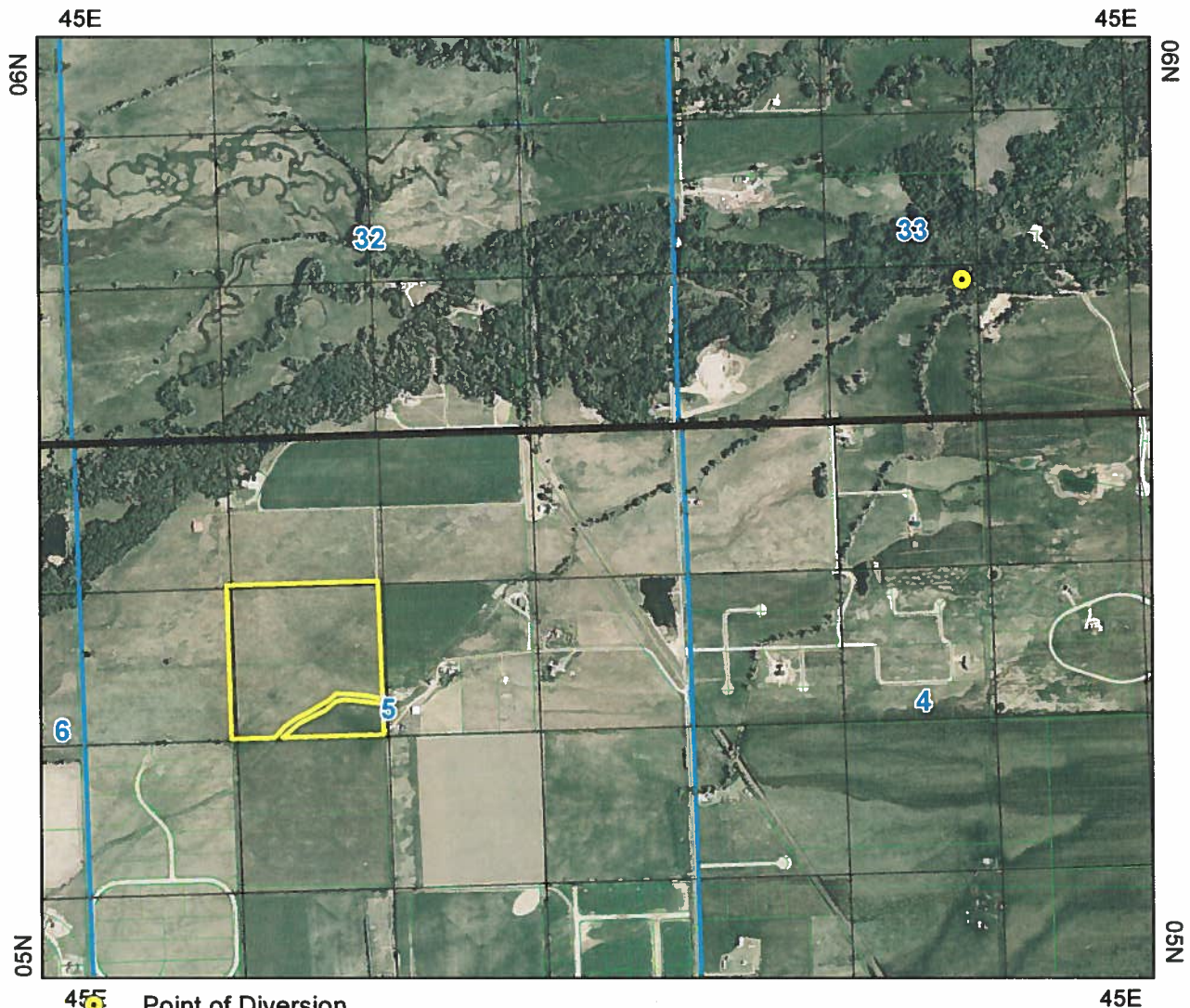
0 0.15 0.3 0.6 Miles

State of Idaho
Department of Water Resources

Adjudication Recommendation 22-13434

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.



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

0 0.175 0.35 0.7 Miles

