

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 19 2012

Department of Water Resources
Eastern 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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
11-00377	Yes ☐		Yes ☐		Yes ☐
11-00378	Yes ☐		Yes ☐		Yes ☐
11-00379	Yes ☐		Yes ☐		Yes ☐
11-00380	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Eph. T. Williams
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Bear River Meadows, LLC
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
2920 W Directors Row
Mailing address
Salt Lake City UT 84104
City State ZIP
(801) 540-4044
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: September 18, 2008

6. 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.

7. Signature: Penday C. Budge Attorney For Owner/Claimant 9/18/12
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 JB Date 9/19/2012 Receipt No. E038932 Receipt Amt. \$200. -
Approved by JB Processed by JB Date 10/18/2012 \$100. - for this app.

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 29th day of March, 2012.

EAST OFFICE LC:


(Signature)

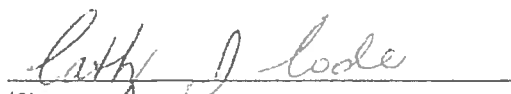
Chuck Schvanaveldt, Manager/Member

(Printed name)

2920 W. Directors Row

(Address)

Salt Lake City, Utah 84104


(Signature)

Cathy Code, Manager/Member

(Printed name)

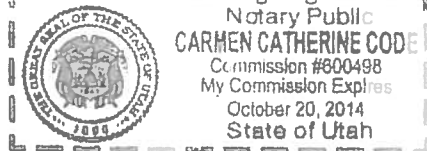
2920 W. Directors Row

(Address)

Salt Lake City, Utah 84104

STATE OF UTAH)
:SS
County of Cache)

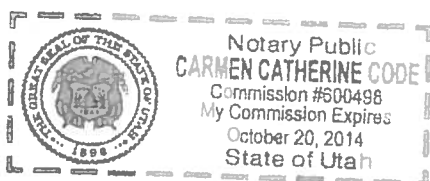
On this 29th day of March, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Chuck Schvanaveldt, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same.



Carmen C. Code
NOTARY PUBLIC FOR UTAH
Commission expires: 10/20/2014

STATE OF UTAH)
:SS
County of Cache)

On this 29th day of March, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Cathy Code, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same.



Carmen C. Code
NOTARY PUBLIC FOR UTAH
Commission expires: 10/20/2014

AFFIDAVIT OF GARTH D MONROE

STATE OF IDAHO)
 :SS
COUNTY OF CARIBOU)

GARTH D MONROE , being first duly sworn under oath, deposes and states that the following facts are true and correct to the best of my knowledge, information and personal belief:

1. My name is Garth D Monroe, I am 49 years old and my address is 16901 Nounan Road, Soda Springs, Idaho, 83276.
2. I grew up on a farm located in the drainage for Eightmile Creek and currently reside in a home in the same area.
3. I have served as Watermaster for Water District 11A, ("WD11A"), Eightmile Creek and Bailey Creek from 2002 to present.
4. The Bailey Creek water rights decreed to Edmond Beus ("Beus") and Eph. T. Williams ("Williams") in the case of Utah Power and Light v Last Chance Canal Co, dated July 14, 1920, are appurtenant to land owned by Bear River Meadows, LLC, which is managed and owned by Chuck Schvaneveldt (hereinafter Schvaneveldt), aka. East Office LLC in the 2011 Watermaster Report for WD11A.
5. Starting prior to my becoming Watermaster, the accepted practice for tracking usage in the Daily Record Books was to record the sum of the decreed diversion rates for all of a water users water rights from each source. This number, designated in 24 hour second feet, was recorded each day for the 164 days from April 20 to September 10. To determine the total year's diversion, the water rights were credited as being continuously diverted at the full amount over the 164 days. The combined total, reflected in 24 hour second feet, was recorded in the Watermaster's Report under a single water right number though the water user may have multiple water rights from the source. Provided none of the water rights were split due to transfers or ownership changes, the

same amount for each day's delivery and the yearend total was carried over from year to year.

6. From 2002 to 2007, prior to Schvaneveldt purchasing the property, the assessment was being sent to Jan Christensen. During that period, in the Daily Record Book, I reported Ms. Christensen's combined total daily diversion in 24-hour second feet for the Bailey Creek water rights as 5.76. In the Watermaster's Report for 2002 to 2005 under right number 11-377A, I reported the cumulative total diversion in 24-hour second feet for the 164 days as 944.64. Then in 2006 and 2007, I changed the water right number in the Watermaster's Report to 11-376A but the cumulative total diversion remained 944.64.

7. From 2008 to present, the Watermaster's Report listed Schvaneveldt as receiving the assessment for water delivery on Schvaneveldt property with no change in the daily diversion or yearend total diversion.

8. In the 2008 Watermaster's Report, I reported the water right number as 11-377A, however since 2009 the water right number has been reported as 11-376A.

9. The four water rights decreed to Williams total 4.80 cubic feet per second ("cfs") and have been assigned numbers 11-377, 11-378, 11-379 and 11-380. Records for WD11A show these rights are entirely credited to Schvaneveldt.

10. Records for WD11A show there are ten water users with a portion of the water right 11-376, decreed to Edmond Beus. The portion still appurtenant to the Schvaneveldt property is 0.96 cfs of 11-376C, being the difference between the total daily diversion of 5.76 and 4.80 from the Williams water rights.

11. By resolution, the water users in WD11A are assessed each year based on the cumulative total reported in the Watermaster's Report except for small water users which pay a fix fee.

12. From 2002 to present, the \$38.95 assessment for water delivery on the Schvaneveldt property has been paid in full.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 4 day of October, 2012.

Garth D Monroe

GARTH D MONROE

SUBSCRIBED AND SWORN TO before me this 4 day of October, 2012.



Denise Horsley

NOTARY PUBLIC OF IDAHO

Residing at: Soda Springs

My Commission Expires: 8-15-15

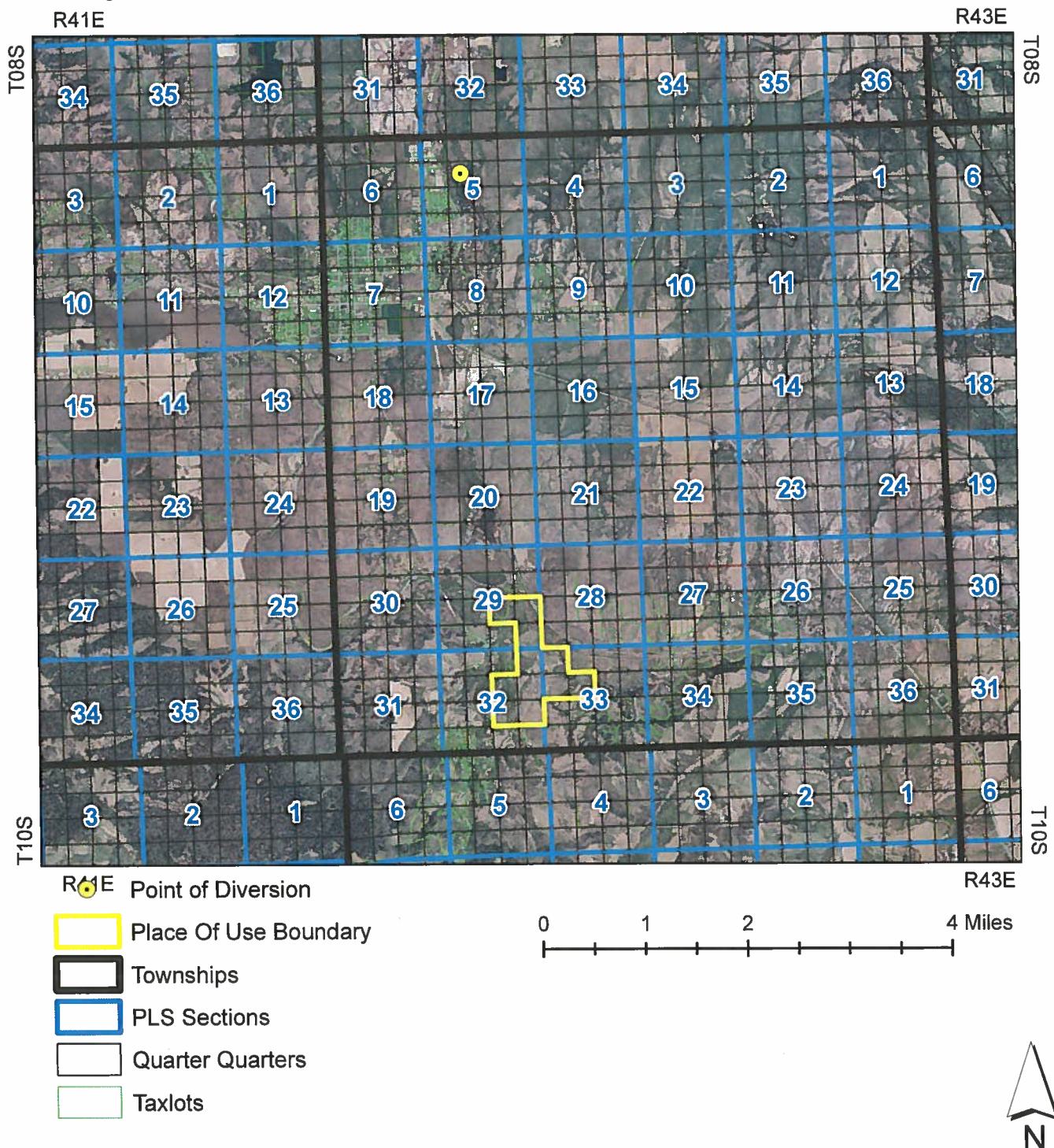
State of Idaho
Department of Water Resources

Water Right

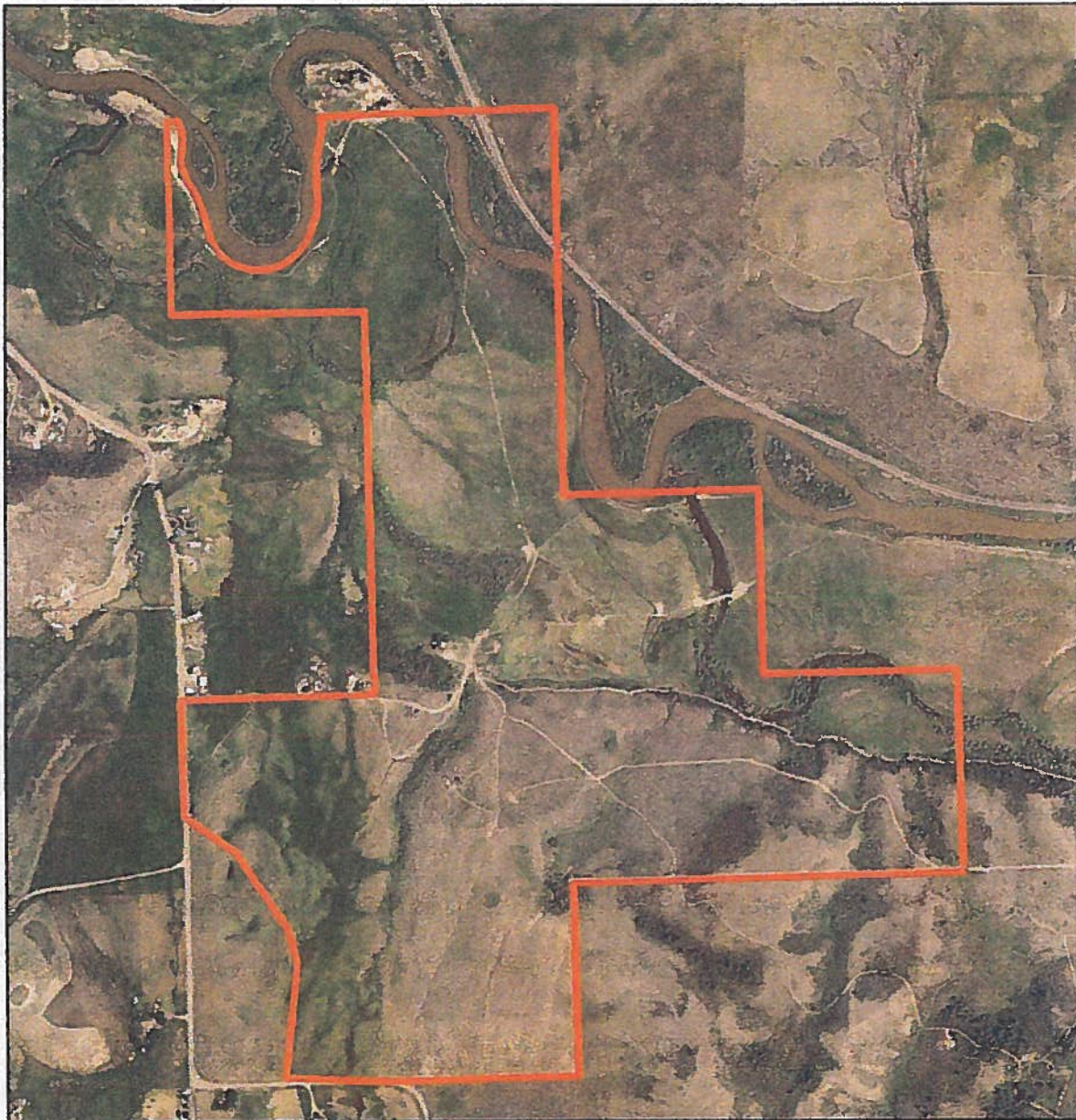
11-377 , 11-378, 11-379 & 11-380

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.



Place of Use for 11-377, 11-378, 11-379, 11-380
Owned by
Bear River Meadows, LLC



AFTER RECORDING MAIL TO:

Chuck Schvaneveldt
2920 W. Directors Row
Salt Lake City, UT 84104

Instrument # 181446

CARIBOU COUNTY

9-19-2008 01:04:58 No. of Pages: 5

Recorded for : CARIBOU TITLE

VEDA MASCARENAS

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: QUITCLAIM DEED

Space Above This Line for Recorder's Use Only

QUITCLAIM DEED

This quitclaim deed is made by DAVID K. BROADBENT, in his capacity as Receiver for LEGACY CAPITAL, LLC ("Grantor"), of 60 E. South Temple, Suite 2000, Salt Lake City, Utah 84111, to Grantee, CHUCK SCHVANEVELDT, an individual ("Grantee"), of 2920 W. Directors Row, Salt Lake City, Utah 84104:

By these presents, Grantor, for and in consideration of \$1.00, the receipt of which is hereby acknowledged, remises, releases, and forever quitclaims to Grantee, all of the interest of Grantor, if any, in and to that certain real estate situated in the county of Caribou, state of Idaho more particularly described in Exhibit A, attached hereto and incorporated herein by this reference.

To have and to hold the described property, together with all and singular tenements, hereditaments, and appurtenances belonging to the property, or in any way appertaining to the property, and the reversion and reversions, remainder and remainders, rents, issues, and profits of the property to Grantee, and Grantee's heirs and assigns forever.

Grantor has set Grantor's hand on this 16th day of September, 2008.



DAVID K. BROADBENT, in his capacity as
Receiver of Legacy Capital, LLC

3922198_1.DOC

[Acknowledgement follows immediately]

STATE OF UTAH)

: ss.

COUNTY OF Salt Lake

On this 17th day of September 2008, before me, the undersigned notary public for said state, personally appeared DAVID K. BROADBENT, in his capacity as Receiver of LEGACY CAPITAL, LLC, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said Legacy Capital, LLC.

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

Lynette H. Sharp
Notary Public
Residing at Salt Lake City, Utah
Comm. Expires 11-7-2009

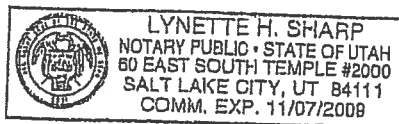


EXHIBIT A

Legal Description

Legal Description of the larger parcel (the "Large Parcel"):

Located in Caribou County, Idaho:

Tract I: Township 9 South, Range 42 East of the Boise Meridian:

Section 29: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
ALSO, beginning at the Southwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said
Section 29, and running
thence North along the West line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29,
271.1 feet, more or less, to the Westerly right of way line of the Union
Pacific Railroad;
thence South 21°39' East along said right of way 1712 feet, more or less,
to the South line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29;
thence West 631.6 feet;
thence North along the West line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29,
1320 feet, more or less,
to the point of beginning.
EXCEPT THEREFROM, Beginning at the Northwest corner of the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29, and running
thence East along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of
said Section 29, 2640 feet, more or less, to the Southwest corner of
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29;
thence North along the West line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, 271.1 feet more or
less, to the Westerly right of way line of the Union Pacific Railroad;
thence South 21°39' East along said right of way line 1183 feet, more or
less, to the fence line running West;
thence due West along said fence line 298 feet;
thence South 83° West 200 feet, more or less, to the centerline of the
Bear River;
thence downstream Westerly along the centerline of Bear River to the
West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29, thence North along the
said West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, 800 feet, more or less, to
the point of beginning.

Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT THEREFROM, the following tracts:

1. Beginning at the North Quarter corner of said Section 32, and
running
thence South along the meridional centerline of said Section 32,
1320 feet to the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32;
thence East along said line of 417.8 feet;
thence North 2083.2 feet;
thence West 1025.0 feet to the Easterly right of way line of the
Bailey Creek Road;
thence North 48°04' West 452.6 feet along said right of way;

EXCEPT
12.66 ac
in NWNE
S32
7.32 ac
in SWSE S2
25 ac
in SEWS2

- thence North $38^{\circ}50'$ West 356.3 feet along said right of way;
thence North $52^{\circ}31'$ West along said right of way 178.8 feet,
more or less, to the North line of the $SE\frac{1}{4}SW\frac{1}{4}$ of said Section
29;
thence West along said North line 167.8 feet;
thence South 1320 feet along the West line of said $SE\frac{1}{4}SW\frac{1}{4}$ of
Section 29;
thence East 1320 feet, more or less, to the point of beginning.
2. Beginning at a point 797.3 feet East of the Southwest corner of
the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 32; and running thence North 903.2
feet;
thence East 554 feet, more or less, to the East line of said
 $NW\frac{1}{4}NE\frac{1}{4}$ of Section 32;
thence South 903.2 feet to said South line;
thence West along said South line 554 feet, more or less, to the
point of beginning.
- 11.4 A^c

Tract II: Township 9 South, Range 42 East of the Boise Meridian:

- Section 29: $E\frac{1}{2}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, and that part of the $SW\frac{1}{4}NW\frac{1}{4}$ lying South of the
centerline of the Bear River and more particularly described as follows:
Beginning at the point where the West line of said Section 29 intersects
the center of the Bear River, and running
thence South along said Section line 975 feet, more or less, to the West
Quarter Section corner;
thence East on the latitudinal center line 1320 feet, to the West $1/16^{\text{th}}$
corner on said center line;
thence North along the West $1/16^{\text{th}}$ line 592 feet, more or less, to the
centerline of the Bear River;
thence following the center line of Bear River down stream, to the point
of beginning.
EXCEPT THEREFROM, any portion of the above described premises
lying West of the Easterly right of way line of the Bailey Creek County
Road as presently located.
- Section 30: All that portion of the $SE\frac{1}{4}NE\frac{1}{4}$ of said Section 30 lying Easterly of the
Bailey Creek Road as presently located.
- Section 32: $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, EXCEPT THEREFROM, the following
described tract:
Beginning at the Southwest corner of the $NW\frac{1}{4}SE\frac{1}{4}$ of said Section 32,
and running
thence due East along the South line of the $NW\frac{1}{4}SE\frac{1}{4}$ 635 feet;
thence North $7^{\circ}25'$ East 822 feet;
thence North $14^{\circ}49'$ West 263 feet to a fence line;
thence along said fence line North $31^{\circ}58'$ West 621 feet; thence along
said fence line North $54^{\circ}13'$ West 406 feet, more or less, to the West line
of the $SW\frac{1}{4}NE\frac{1}{4}$ of said Section 32;
thence South $0^{\circ}28'$ West along the West line of the $SW\frac{1}{4}NE\frac{1}{4}$ and the
 $NW\frac{1}{4}SE\frac{1}{4}$ of Section 32, 1835 feet, more or less, to the point of
beginning.

Section 33: N¼.

Legal Description of the smaller parcel (the "Small Parcel"):

Located in Caribou County, Idaho:

The southwest quarter of the northwest quarter of Section 34, Township 9 South, Range 42 East of the Boise Meridian.

Instrument # 181447

CARIBOU COUNTY

9-19-2008 01:09:01 No. of Pages: 4

Recorded for: CARIBOU TITLE

VEDA MASCARENAS

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: QUITCLAIM DEED

T. Stephens

QUIT-CLAIM DEED

FOR VALUE RECEIVED,

Chuck Schvaneveldt aka Charles Schvaneveldt and Cathy Code,
husband and wife

do hereby convey, release, remise and forever quit claim unto

Bear River Meadows, LLC., a Utah Limited Liability Company, of

2920 West Directors Row, Salt Lake City, UT 84104, the following
described premises, to-wit:

See Exhibit A attached hereto and incorporated herein by this
reference.

together with their appurtenances.

DATED: September 18, 2008.

Charles Schvaneveldt
CHARLES SCHVANEVELDT

Cathy Code
CATHY CODE

STATE OF IDAHO)
: ss.
County of Caribou)

On this 18th day of September, 2008, before me, the
undersigned, a Notary Public in and for said State, personally
appeared Charles Schvaneveldt and Cathy Code, known or identified
to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.

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

KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO

Kena Ann Moore
NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission expires: 8/15/09

EXHIBIT A

Legal Description

Legal Description of the larger parcel (the "Large Parcel"):

Located in Caribou County, Idaho:

Tract I: Township 9 South, Range 42 East of the Boise Meridian:

Section 29: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
ALSO, beginning at the Southwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said
Section 29, and running
thence North along the West line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29,
271.1 feet, more or less, to the Westerly right of way line of the Union
Pacific Railroad;
thence South 21°39' East along said right of way 1712 feet, more or less,
to the South line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29;
thence West 631.6 feet;
thence North along the West line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29,
1320 feet, more or less,
to the point of beginning.
EXCEPT THEREFROM, Beginning at the Northwest corner of the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29, and running
thence East along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of
said Section 29, 2640 feet, more or less, to the Southwest corner of
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29;
thence North along the West line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, 271.1 feet more or
less, to the Westerly right of way line of the Union Pacific Railroad;
thence South 21°39' East along said right of way line 1183 feet, more or
less, to the fence line running West;
thence due West along said fence line 298 feet;
thence South 83° West 200 feet, more or less, to the centerline of the
Bear River;
thence downstream Westerly along the centerline of Bear River to the
West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29, thence North along the
said West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, 800 feet, more or less, to
the point of beginning.

Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT THEREFROM, the following tracts:

1. Beginning at the North Quarter corner of said Section 32, and
running
thence South along the meridional centerline of said Section 32,
1320 feet to the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32;
thence East along said line of 417.8 feet;
thence North 2083.2 feet;
thence West 1025.0 feet to the Easterly right of way line of the
Bailey Creek Road;
thence North 48°04' West 452.6 feet along said right of way;

- thence North 38°50' West 356.3 feet along said right of way;
thence North 52°31' West along said right of way 178.8 feet,
more or less, to the North line of the SE¼SW¼ of said Section
29;
thence West along said North line 167.8 feet;
thence South 1320 feet along the West line of said SE¼SW¼ of
Section 29;
thence East 1320 feet, more or less, to the point of beginning.
2. Beginning at a point 797.3 feet East of the Southwest corner of
the NW¼NE¼ of Section 32; and running thence North 903.2
feet;
thence East 554 feet, more or less, to the East line of said
NW¼NE¼ of Section 32;
thence South 903.2 feet to said South line;
thence West along said South line 554 feet, more or less, to the
point of beginning.

Tract II: Township 9 South, Range 42 East of the Boise Meridian:

- Section 29: E½SE¼, N½SW¼, and that part of the SW¼NW¼ lying South of the
centerline of the Bear River and more particularly described as follows:
Beginning at the point where the West line of said Section 29 intersects
the center of the Bear River, and running
thence South along said Section line 975 feet, more or less, to the West
Quarter Section corner;
thence East on the latitudinal center line 1320 feet, to the West 1/16th
corner on said center line;
thence North along the West 1/16th line 592 feet, more or less, to the
centerline of the Bear River;
thence following the center line of Bear River down stream, to the point
of beginning.
EXCEPT THEREFROM, any portion of the above described premises
lying West of the Easterly right of way line of the Bailey Creek County
Road as presently located.
- Section 30: All that portion of the SE¼NE¼ of said Section 30 lying Easterly of the
Bailey Creek Road as presently located.
- Section 32: NE¼NE¼, S¼NE¼, N½SE¼, EXCEPT THEREFROM, the following
described tract:
Beginning at the Southwest corner of the NW¼SE¼ of said Section 32,
and running
thence due East along the South line of the NW¼SE¼ 635 feet;
thence North 7°25' East 822 feet;
thence North 14°49' West 263 feet to a fence line;
thence along said fence line North 31°58' West 621 feet; thence along
said fence line North 54°13' West 406 feet, more or less, to the West line
of the SW¼NE¼ of said Section 32;
thence South 0°28' West along the West line of the SW¼NE¼ and the
NW¼SE¼ of Section 32, 1835 feet, more or less, to the point of
beginning.

Section 33: N½.

Legal Description of the smaller parcel (the "Small Parcel"):

Located in Caribou County, Idaho:

The southwest quarter of the northwest quarter of Section 34, Township 9 South, Range 42
East of the Boise Meridian.