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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-13821	OK				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

BC Properties, LLC
P.O. Box 28
Driggs, ID 83422

4. New Owner/Claimant(s)

HH Development, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 1601

City, State and ZIP Code

Driggs, ID 83422

New Telephone Number

(208) 399-8080 Email: mhai@sagerq.com

RECEIVED

AUG 11 2008

Department of Water Resources
Eastern Region

5. Date you acquired the property

July 31, 2008

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

L. Rick Janner, Rocky Mountain Environmental, Representative
 (title if applicable) (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by Bmic
 Received by _____
 Processed by _____ AJ

Date 8/11/2008
 Date _____
 Date _____

Receipt Amt. \$25
 Receipt No. E034325
 WR _____ Date _____

(Additional \$200.00 for drilling permit)

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

08/11/2008

WATER RIGHT NO. 22-13821

Owner Type	Name and Address
Current Owner	BC PROPERTIES LLC PO BOX 28 DRIGGS, ID 83422 (208)705-0859
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

Priority Date: 01/08/1991

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
FIRE PROTECTION STORAGE	01/01	12/31		2 AFA
DIVERSION TO STORAGE	01/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENWNW	Sec. 07	Township 05N	Range 46E	TETON County
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Licensed Diversion Capacity: 2.74

Place(s) of use:

Place of Use Legal Description: FIRE PROTECTION STORAGE TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	46E	7		NWNW										

Conditions of Approval:

1.		The pond established by the storage of water under this right shall not exceed a total capacity of 1.4 acre feet or a total surface area of 0.33 acres.
2.		This right authorizes the diversion of an annual total of 2.0 af to be used for filling of the pond and for the replacement of losses caused by seepage and evaporation from the pond.
3.	077	Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
4.	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.
5.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6.		The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9.	X59	Point of diversion and place of use are located within the Chilly Water Subdivision.

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

199316 AUG 4 '08 PM12:35

When Recorded Return to:
Robert L. Harris
Holden, Kidwell, Hahn & Crapo, PLLC
PO Box 50130
Idaho Falls, ID 83405-0130

Instrument # 199316

TETON COUNTY, IDAHO

8-4-2008 12:35:00 No. of Pages: 2

Recorded for : ROBERT L HARRIS

MARY LOU HANSEN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Comer

SPECIAL WARRANTY DEED FOR WATER RIGHT

BC Properties, LLC, an Idaho Limited Liability Company, whose address is PO Box 28, Driggs, ID 83422, ("Grantor"), does hereby grant, bargain, sell, assign, and convey unto HH Development, Inc., an Idaho Corporation, whose address is PO Box 1601, Driggs, ID 83422 ("Grantee"), and to Grantee's heirs, successors, and assigns forever, all of Grantor's right, title, and interest in the following described water right portion (hereinafter the "Water Right"), to-wit:

A portion of Idaho Department of Water Resources (IDWR) Water Right License No. 22-13584.

Source:	Groundwater
Purpose:	Irrigation
Priority:	January 8, 1991
Quantity (Diversion Rate):	0.02 cfs (Total of the right is 0.88 cfs for 161.7 af for the irrigation of 46.2 acres)
Quantity (Volume):	3.5 acre-feet
Place of Use (Acreage):	1.0 acres.

Grantor assigns to Seller any other interest it may have in the Water Right including any claim, permit, license, or shares of stock evidencing, claiming, or representing such Water Right.

To the extent the Water Right, or any of them, are represented by a permit or other property not conveyable by deed, this deed shall be deemed and shall operate as a bill of sale therefore.

Grantor retains no residual or reversionary interest in any of the Water Right.

Grantor hereby covenants and warrants to Grantee as follows:

- A. That Grantor is the owner in fee simple of the Water Right;
- B. That Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- C. That each of the Water Right is free from all liens, claims, or encumbrances;
- D. That Grantor has the authority to convey the Water Right to Grantee;

E. The Grantor has disclosed to Grantee in good faith all relevant information known to Grantor bearing on the validity and extent of the Water Right.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officers of Grantor, acting on behalf of Grantor, have caused their names to be hereunto subscribed on the date shown by each name.

GRANTOR:

BC PROPERTIES, LLC

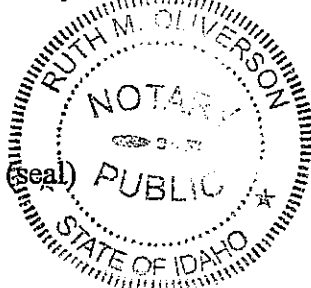
DATE: July 31/2008

By: Jeffrey Borer
Its: MANAGING MEMBER

STATE OF IDAHO)
)ss.
County of Teton)

On this 31 day of July, 2008, before me a notary public in and for said State, personally appeared Jeffrey Borer known or identified to me (or proved to me on the oath of W. Roger Borer) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company 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.



Ruth M. Oliverison
Notary Public for Idaho
Residing at: Idaho
My commission expires: 11/30/2010