

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.

RECEIVED
 DEC 18 2007
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
34-398	WR-Deceed		34-10514	WR-Deceed	
34-399	WR-Deceed		Permit No.	34-13810	WR-License
34-861-A	WR-Deceed				
34-868	WR-Deceed				
34-7010	WR-Deceed				

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 usually attached to your deed or on file with the county).

OR

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 **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) Broken River Ranch LLC
Rosemary Talley, Trustee
4. New Owner/Claimant(s) Big Lost LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address c/o JH Partners, 451 Jackson Street
 City, State and ZIP Code San Francisco, CA 94111
 New Telephone Number () _____
5. Date you acquired the property November 13, 2007

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 APR 01 2008

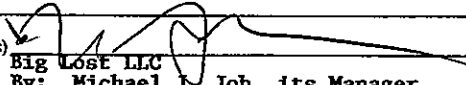
Department of Water Resources
 Eastern Region

SUPPORT DATA
 IN FILE # 34-398

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)
- 
Big Lost LLC
 By: **Michael J. Joh, its Manager**

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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



237978
Custer County Reg. of
Blaine County Title/Alliance Title
Time 11:15 A.M. Date 12-13, 2007
Barbara C. Breedlove, Clerk
Betsy Doughty \$6.00
Deputy

WARRANTY DEED

FOR VALUE RECEIVED

Broken River Ranch LLC, an Idaho Limited Liability Company,

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

Big Lost LLC, an Idaho Limited Liability Company

the Grantee, whose current address is c/o JH Partners, 451 Jackson St., San Francisco, CA 94111

the following described premises, to wit:

See Attached Exhibit "A".

Specifically excepting and reserving any and all water rights thereto. Certain appurtenant water rights shall be conveyed through a separate Quitclaim Deed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 5th day of November, 2007

Broken River Ranch, LLC

Rosemary Talley, Trustee

By: The Talley Living Trust dated 9/19/91, Member

By: Rosemary Talley, Trustee

STATE OF Idaho)
) ss.
COUNTY OF Blaine)

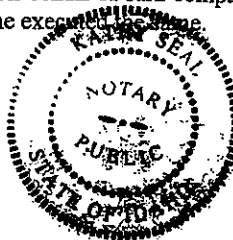
On this 5th day of November, 2007, before me, the undersigned, a Notary Public, in and for said State, personally appeared **Rosemary Talley**, known to me, on the basis of satisfactory evidence, to be the Trustee of the Talley Living Trust, the Member of the Limited Liability Company that executed the instrument and the foregoing instrument was signed on behalf of said company by authority of consent of its members and acknowledged to me that she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]
Notary Public

Resides at: Ketchum

My commission expires: July 26, 2011



237978

EXHIBIT "A"

LEGAL DESCRIPTION

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO.

SECTION 27: SOUTH HALF NORTHWEST QUARTER, SOUTHWEST QUARTER
AND SOUTH HALF SOUTHEAST QUARTER

SECTION 28: NORTH HALF SOUTHEAST QUARTER

SECTION 34: NORTH HALF NORTHWEST QUARTER AND WEST HALF
NORTHEAST QUARTER

Alliance Title #3070704367C
BCT #7015464
Legal Description

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Broken River Ranch LLC Big Lost LLC
I, c/o Rosemary Talley, hereby assign to c/o Michael J. John
of c/o JH Partners, 451 Jackson Street, San Francisco, CA 94111
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 34-13810 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

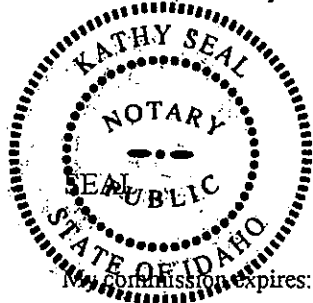
The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 5th day of November, 20 07.

Rosemary Talley, Trustee
Permit Holder(s) Broken River Ranch LLC
By: Rosemary Talley

State of Idaho)
County of Blaine)ss

On this 5th day of November, 2007, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

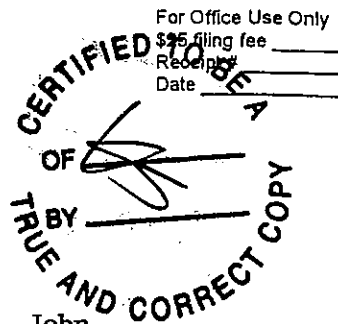


[Signature]
Notary Public residing at Ketchum, Idaho

RECEIVED

APR 01 2008

Department of Water Resources
Eastern Region





State of Idaho
DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

March 12, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BROKEN RIVER RANCH LLC
ROSEMARY TALLEY
PO BOX 360
ARROYO GRANDE CA 93421-0360

RE: License No. 34-13810

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

cc: FARM CREDIT WEST FLCA

CERTIFICATE OF SERVICE

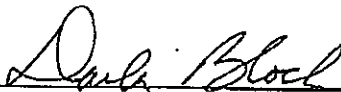
I hereby certify that on March 12, 2008 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

34-13810

**BROKEN RIVER RANCH LLC
ROSEMARY TALLEY
PO BOX 360
ARROYO GRANDE CA 93421-0360**

**FARM CREDIT WEST FLCA
PO BOX 1340
ARROYO GRANDE CA 93421**



**Darla Block
Technical Records Specialist**

Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 34-13810

Priority: June 03, 2003

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 1,448.0 AF

It is hereby certified that BROKEN RIVER RANCH LLC
ROSEMARY TALLEY
PO BOX 360
ARROYO GRANDE CA 93421-0360 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 04, 2003; and has
submitted Proof of Beneficial Use on November 04, 2005. An examination indicates that the works have
a diversion capacity of 2.0 cfs of water from:

SOURCE

WARM SPRINGS CREEK

Tributary: BIG LOST RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WILDLIFE	01/01 to 12/31	2.00 CFS	1,448.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK SW¼SW¼NW¼ Sec. 27, Twp 08N, Rge 22E, B.M. CUSTER County

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	27							X								X		

CONDITIONS OF APPROVAL

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. A measuring device shall be maintained at the point of diversion from Warm Springs Creek and in the outlet channel from the pond.
3. Stockwatering from the delivery channel, the outlet channel, and the pond is prohibited.
4. Planting of fish in Warm Springs Creek, the delivery channel, or the outlet channel is prohibited. The beneficial use for fish only authorizes the passage and rearing of wild trout and other species living in Warm Springs Creek.

Page 2

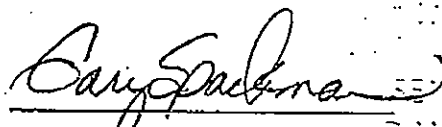
State of Idaho
Department of Water Resources
Water Right License

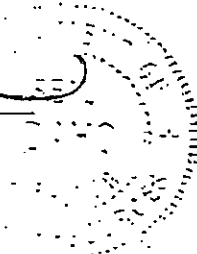
WATER RIGHT NO. 34-13810

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34, Big Lost River.
6. The permit holder shall provide for full upstream and downstream passage of fish in all water channels, ponds, and streams including the following: the delivery channel, the pond, the outlet channel, and Warm Springs Creek. Construction of all measuring devices, headgates, delivery works, or any other obstructions in the delivery and outlet channels or Warm Springs Creek shall allow full upstream and downstream fish passage. Plans for instream structures must adhere to fish passage standards.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 11th day of March, 2008.


For DAVID R. TUTHILL, JR.
Director



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 34-13810

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MAR 10 2008

DEPARTMENT OF
WATER RESOURCES

Date of Priority: June 03, 2003

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 1,448.0 AF

Comes now BROKEN RIVER RANCH LLC
ROSEMARY TALLEY
PO BOX 360
ARROYO GRANDE CA 93421-0360

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 34-13810, and requests that the permit be changed as follows:

Source: WARM SPRINGS CREEK Tributary: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	01/01 to 12/31	2.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27 Twp 08N, Rge 22E, B.M. CUSTER County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 22E 27																	

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 4th day of March, 2008.

Rosemary Talley
(Signature)

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-13810

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by CR # 0090221 Date 3/10/08

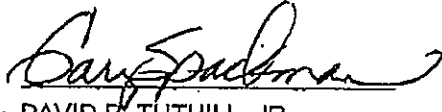
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, DAVID R. TUTHILL, JR. of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 34-13810 with the following:

CONDITIONS OF APPROVAL

1. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. A measuring device shall be maintained at the point of diversion from Warm Springs Creek and in the outlet channel from the pond.
3. Stockwatering from the delivery channel, the outlet channel, and the pond is prohibited.
4. Planting of fish in Warm Springs Creek, the delivery channel, or the outlet channel is prohibited. The beneficial use for fish only authorizes the passage and rearing of wild trout and other species living in Warm Springs Creek.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34 Big Lost River.
6. The permit holder shall provide for full upstream and downstream passage of fish in all water channels, ponds, and streams including the following: the delivery channel, the pond, the outlet channel, and Warm Springs Creek. Construction of all measuring devices, headgates, delivery works, or any other obstructions in the delivery and outlet channels or Warm Springs Creek shall allow full upstream and downstream fish passage. Plans for instream structures must adhere to fish passage standards.

Witness my hand this 11th day of March, 2008.


for DAVID R. TUTHILL, JR.
Director

Idaho Department of Water Resources Receipt

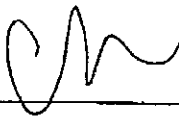
Receipt ID: C086221

Payment Amount \$50.00 Date Received 3/10/08 1:53 Region STATE
Payment Type Check Check Number 1128
Payer BROKEN RIVER RANCH LLC

Comments Application for Amendment Water Righ No. 34-13810

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$50.00	AMENDMENTS	0229	21	58105	1155



Signature Line (Department Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION



L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 29, 2008

BLAINE COUNTY TITLE
360 SUN VALLEY RD
PO BOX 3176
KETCHUM ID 83340

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 34-398, 34-399, 34-861A, 34-868, 34-7010 & 34-10514 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

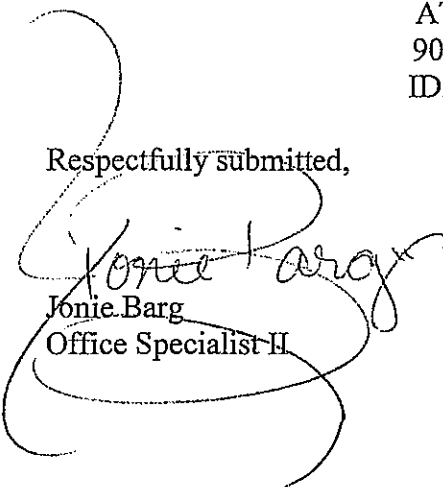
- ☒ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER LEGAL DOCUMENT indicating your ownership of the property and water rights in question, **
- ☐ LEGAL DESCRIPTION OF PROPERTY
- ☐ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)
- ☐ USDA FARM SERVICE AGENCY (formerly ASCS) AERIAL PHOTO with Irrigated acres outlined and point(s) of diversion clearly marked.
- ☒ FILING FEE OF \$25.00 **PER WATER RIGHT NUMBER****

If you have any questions please contact me or Jennifer Crabtree at (208)525-7161.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET TO OUR IDAHO FALLS OFFICE AT THE ADDRESS BELOW:

ID DEPT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
ATTN JENNIFER CRABTREE
900 N SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402-1718

Respectfully submitted,


Jonie Barg
Office Specialist II

Need a copy of the RECORDED Deed
**Filing fee of \$25.00 per Water Right,
please submit a total of \$150.00.**

Eric

ERICK.Powell@brockwayeng.com