

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

SEP 13 2004

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

DEPARTMENT OF
WATER RESOURCES

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
<u>34-467</u>	<u> </u>	<u> </u>	<u>34-2041</u>	<u> </u>	<u> </u>
<u>34-468</u>	<u> </u>	<u> </u>	<u>34-7245A</u>	<u> </u>	<u> </u>
<u>34-469</u>	<u> </u>	<u> </u>	<u>34-10021</u>	<u> </u>	<u> </u>
<u>34-471</u>	<u> </u>	<u> </u>	<u>~~34-10246~~ 3470426</u>	<u> </u>	<u> </u>
<u>34-4035C</u> - <u>Processed Separately</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

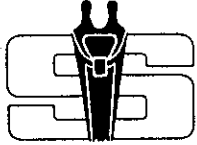
✓ If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Custer Springs, LLC, c/o James R. Bennett
1231 Main Street, Challis, ID 83226
4. New Owner/Claimant(s) WARM SPRINGS CREEK RANCH, LLC c/o MARK GATES
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 600 EMERSON STREET
- City, State and ZIP Code PALO ALTO, CA 94301
- New Telephone Number (650) 614 6234
5. Date you acquired the property JUNE 11 2004

RECEIVED

SEP 07 2004

Department of Water Resources
Eastern Region



229375 COPY
Custer County Rec. of
Blaine County Title
Time 3:24 P.M. Date 6/5 2004
Ethel M. Peck, Clerk
Lea Baker 602

WARRANTY DEED

For Value Received CUSTER SPRINGS, LLC, an Idaho limited liability company

the Grantor hereby grants, bargains, sells, conveys and warrants unto WARM SPRINGS CREEK RANCH, LLC, an Idaho limited liability company

the Grantee whose current address is: c/o Mark Gates, 700 Emerson Street, Palo Alto, CA 94301

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

Parcel Number:

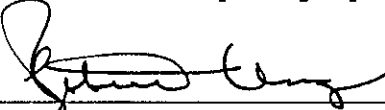
SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

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: June 11, 2004

CUSTER SPRINGS, LLC, an Idaho
limited liability company

By


ROBERT UNGER

By

State of IDAHO

ss.

County of BLAINE

On this 11 day of JUNE, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT UNGER

ATTACHED LEGAL DESCRIPTION

Order No.: B49702

The S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; and Government Lots 1, 2 and 3, Section 1, Township 7 North, Range 22 E.B.M., Custer County, Idaho.

Government Lots 3, 4 and 8 and a parcel of land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Township 7 North, Range 23 E.B.M., Custer County, Idaho, more particularly described as follows: Beginning at the NE Corner of said Lot 8, run thence S. 88°52'02" E. along the northerly boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1340.46 feet to the NE corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; Thence S. 00°07'02" E. along the easterly boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 137.36 feet; Thence S. 89°10'00" W. a distance of 1339.15 feet to a point on the westerly boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; Thence N. 00°27'30" W. along said westerly boundry a distance of 183.34 feet to the point of beginning.

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 36, Township 8 North, Range 22 E.B.M., Custer County, Idaho.

EXCEPTING THEREFROM a 1/3 interest in the following tract of land: Beginning at the NW corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 36; run thence N. 89°25'39" E. along the northerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 100.00 feet; Thence S. 00°34'21" E. a distance of 100.00 feet; Thence S. 89°25'39" W. a distance of 100.00 feet; Thence N. 00°34'21" W a distance of 100.00 feet to the POINT OF BEGINNING.

The E $\frac{1}{2}$ SW $\frac{1}{4}$ and Government Lot 4, Section 31, Township 8 North, Range 23 E.B.M., Custer County, Idaho.

Together with all appurtenances, including but not limited to, decreed water right nos. 34-00467, 34-00468, 34-00469, 34-00471, 34-07245A, 34-10021 and 34-10426.

EXPLANATION



Approximate property
boundary

34-10426



-source: ground water
-priority date: 1/1/1973
-rates [cfs]: S=0.09, D=0.04

34-10021



-source: ground water
-priority date: 7/1/1975
-rate [cfs]: S=0.09, D=0.04

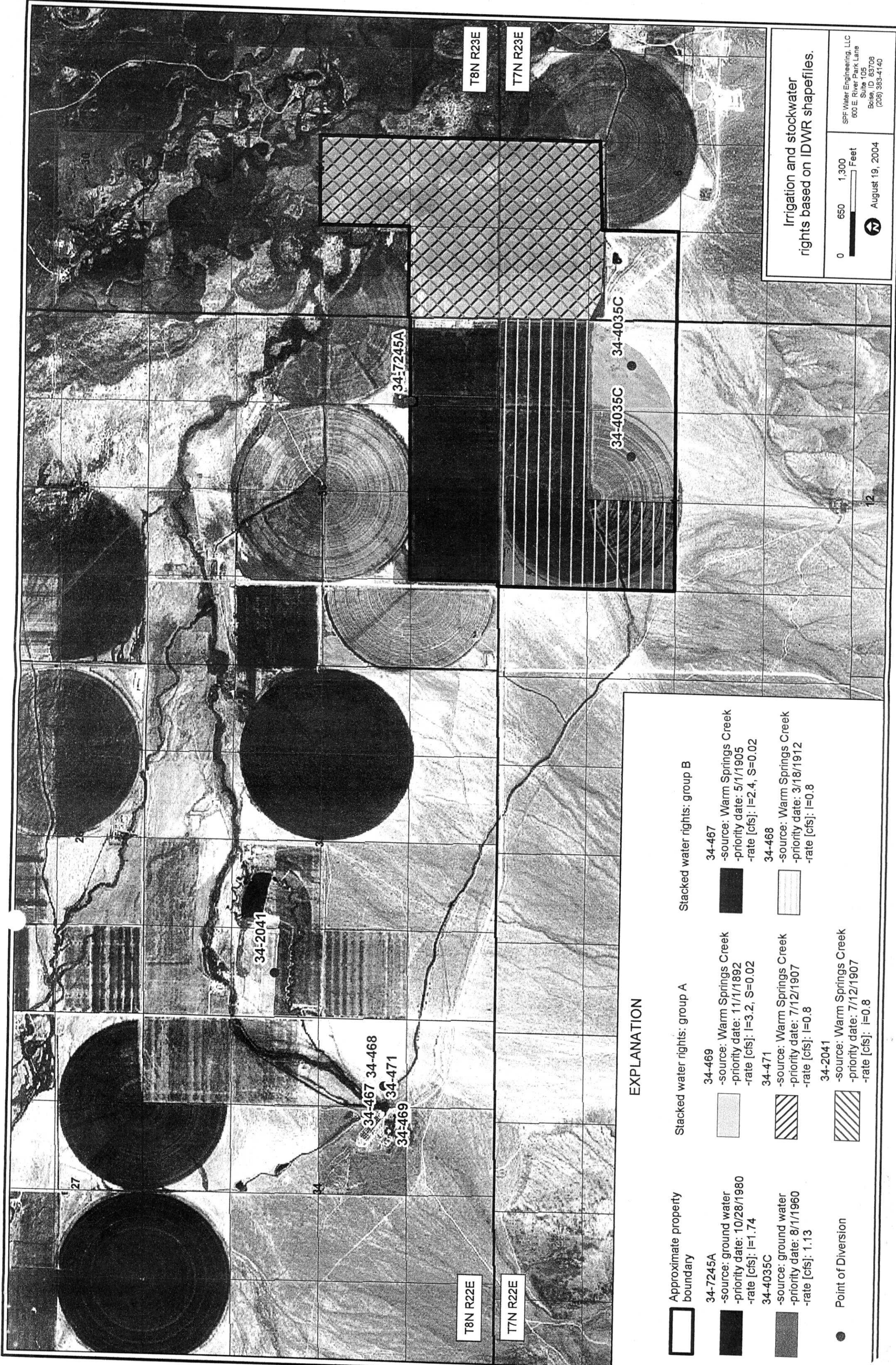
Domestic and stockwater
rights based on IDWR shapefiles.

0 500 1,000
Feet



August 19, 2004

SPF Water Engineering, LLC
600 E. River Park Lane
Suite 105
Boise, ID 83706
(208) 383-4140



EXPLANATION

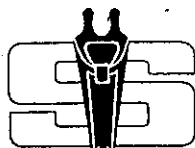
- | | | | | | |
|--|--|--|--|--|---|
| | Approximate property boundary | | Stacked water rights: group A | | Stacked water rights: group B |
| | 34-7245A
-source: ground water
-priority date: 10/28/1980
-rate [cfs]: 1=1.74 | | 34-469
-source: Warm Springs Creek
-priority date: 11/1/1892
-rate [cfs]: 1=3.2, S=0.02 | | 34-467
-source: Warm Springs Creek
-priority date: 5/1/1905
-rate [cfs]: 1=2.4, S=0.02 |
| | 34-4035C
-source: ground water
-priority date: 8/1/1960
-rate [cfs]: 1.13 | | 34-471
-source: Warm Springs Creek
-priority date: 7/12/1907
-rate [cfs]: 1=0.8 | | 34-468
-source: Warm Springs Creek
-priority date: 3/18/1912
-rate [cfs]: 1=0.8 |
| | Point of Diversion | | 34-2041
-source: Warm Springs Creek
-priority date: 7/12/1907
-rate [cfs]: 1=0.8 | | |

Irrigation and stockwater rights based on IDWR shapefiles.

COPY

229375

Custer County Reg. of
Blaine County Title
Time 3:24 P.M. Date 6/15/2004
Ethel M. Peck, Clerk
Lina Baker 6000



WARRANTY DEED

For Value Received CUSTER SPRINGS, LLC, an Idaho limited liability company

the Grantor hereby grants, bargains, sells, conveys and warrants unto WARM SPRINGS CREEK RANCH, LLC, an Idaho limited liability company

the Grantee whose current address is: c/o Mark Gates, 700 Emerson Street, Palo Alto, CA 94301

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

Parcel Number:

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

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: June 11, 2004

CUSTER SPRINGS, LLC, an Idaho
limited liability company

By [Signature]
ROBERT UNGER

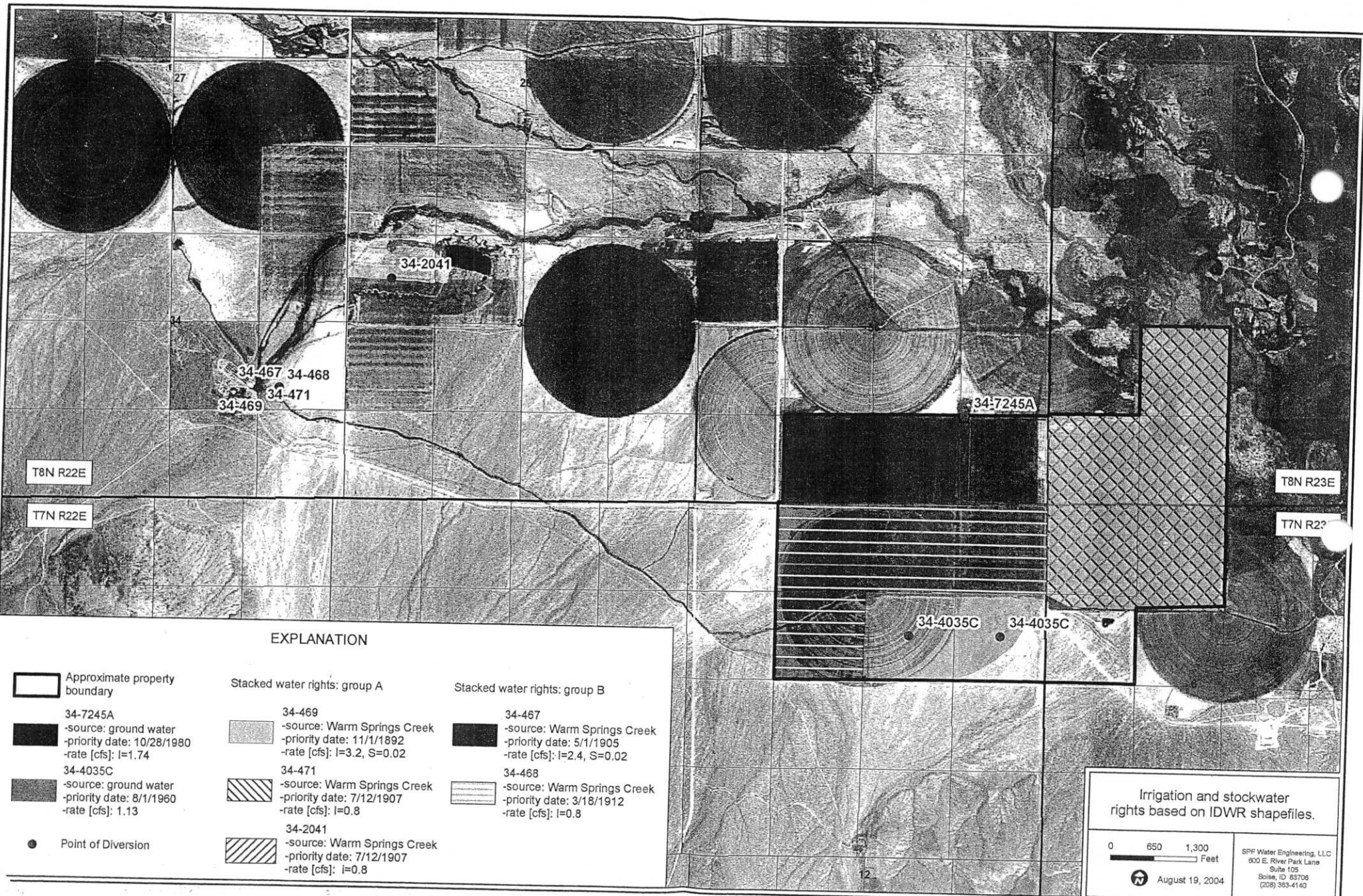
By _____

State of IDAHO

ss.

County of BLAINE

On this 11 day of JUNE, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT UNGER



EXPLANATION

- Approximate property boundary
- 34-7245A
 - source: ground water
 - priority date: 10/28/1980
 - rate [cfs]: I=1.74
- 34-4035C
 - source: ground water
 - priority date: 8/1/1960
 - rate [cfs]: 1.13
- Point of Diversion

Stacked water rights: group A

- 34-469
 - source: Warm Springs Creek
 - priority date: 11/1/1892
 - rate [cfs]: I=3.2, S=0.02
- 34-471
 - source: Warm Springs Creek
 - priority date: 7/12/1907
 - rate [cfs]: I=0.8
- 34-2041
 - source: Warm Springs Creek
 - priority date: 7/12/1907
 - rate [cfs]: I=0.8

Stacked water rights: group B

- 34-467
 - source: Warm Springs Creek
 - priority date: 5/1/1905
 - rate [cfs]: I=2.4, S=0.02
- 34-468
 - source: Warm Springs Creek
 - priority date: 3/18/1912
 - rate [cfs]: I=0.8

Irrigation and stockwater rights based on IDWR shapefiles.

0 650 1,300 Feet
August 19, 2004

SPF Water Engineering, LLC
800 E. River Park Lane
Suite 105
Boise, ID 83706
(208) 383-4140

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)

Mark T. Gates Jr.
MARK T GATES, JR

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 <u>JC</u>	Date <u>9-8-04</u>	Fee <u>\$225</u>
Receipted by <u>JC</u>	Date <u>9-8-04</u>	Receipt No. <u>E030221</u>
Processed by _____ AJ	Date _____	WR _____ Date _____