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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

AUG 18 2003

Department of Water Resources

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 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
34-7005					

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) WILD HORSE CREEK RANCH
4. New Owner/Claimant(s) WILD HORSE CREEK RANCH, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1402 Third Avenue, Suite 1024
- City, State and ZIP Code Seattle, WA 98101
- New Telephone Number (206) 628-6151
5. Date you acquired the property 7/24/03

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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)

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>[Signature]</u>	Date <u>8/15/03</u>	Fees <u>\$25.00</u>	
Received by <u>[Signature]</u>	Date <u>8.22.03</u>	Receipt No. <u>6070661</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

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WARRANTY DEED

FOR VALUE RECEIVED, THE DEVILS BEDSTEAD RANCH, now known as WILD HORSE CREEK RANCH, a Washington General Partnership, by William R. Shields, managing partner, Grantor, does Grant, Bargain, Sell and Convey unto WILD HORSE CREEK RANCH LLC, a State of Washington limited liability company, GLEN MILLIMAN as Manager, Grantee, whose current address is 1402 Third Avenue, Suite 1024, Seattle, Washington 98101, the following described premises, in Custer County, Idaho, to-wit:

See Attached Exhibit "A"

Subject, however, to the following:

1. Road Easement from Lon S. Jarvis and Vivian Jarvis, husband and wife, to the United States of America, dated September 7, 1966, recorded September 8, 1966, in Book 36 of Deeds, Page 203, records of Custer County, Idaho.
2. Easement for domestic water pipeline contained in the Deed from Lon S. Jarvis, et. ux., to Gerald G. Jarvis, et. ux., recorded June 1, 1970, as instrument No. 128648, records of Custer County, Idaho.
3. Underground Right-of-Way Easement from Devils Bedstead Ranch to Lost River Electric Cooperative, Inc., recorded February 22, 1994, as instrument No. 205876, records of Custer County, Idaho.

Together with all water rights and appurtenances.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors 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 they are free from all encumbrances save and excepting therefrom all covenants, conditions, easements and restrictions of record, as recorded in the records of Custer County, Idaho and that it will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/24/03

0227440
Custer County Req. of
CC
Time 1:25 P.M. Date 7/24/2003
Ethel M. Peck, Clerk
Janet Dargie 3 9.00
Deputy

The Devils Bedstead Ranch, now known as Wild Horse Creek Ranch, a Washington General Partnership, by:

W. R. Shields
William R. Shields, managing partner

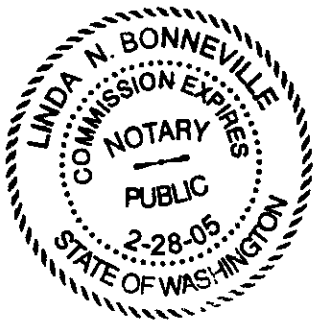
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STATE OF Washington)
County of Yakima) :ss

On this 24 day of July, 2003, before me, a Notary Public in and for said State, personally appeared THE DEVILS BEDSTEAD RANCH, now known as WILD HORSE CREEK RANCH, a Washington General Partnership, by William R. Shields, managing partner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



[Signature]
Notary Public
My Commission Expires: 2-28-05

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EXHIBIT "A"

PARCEL I:

A parcel of land withing H.E.S. No. 508 in unsurveyed Section 20, 28 and 29, Township 7 North, Range 20 East, Boise Meridian, Custer County, Idaho, and more particularly described as follows:

Commencing at Corner No. 5, of said H.E.S. No. 508 and said Corner being the TRUE POINT OF BEGINNING; thence North $87^{\circ}49'$ West, 1,830.08 feet; thence North $4^{\circ}51'$ East, 2,000.00 feet; thence North $72^{\circ}04'03''$ East, 535.41 feet to Corner No. 3 of said H.E.S. No. 508, thence North $82^{\circ}50'00''$ East, 866.58 feet to Corner No. 4 of said H.E.S. No. 508, thence South $7^{\circ}09'00''$ East, 2,353.97 feet to the True Point of Beginning.

EXCEPTING THEREFROM:

That portion of H.E.S. Survey No. 508, nominally in Section 20, Township 7 North, Range 20 East, Boise Meridian, Custer County, Idaho, and bounded by Corner No. 3 of said survey thence North $82^{\circ}50'12''$ East, 866.58 feet, more or less, to corner No. 4 of said survey thence South $7^{\circ}08'49''$ East to the boundary line determined by U.S. Forest Road #135 easement bearing North 41° West more or less to the crossing of said easement and Corner No. 3 of said survey and which constitutes the nominal Southeast boundary of the Shields parcel.

PARCEL II:

That portion of H.E.S. Survey No. 508, nominally in Section 20, Township 7 North, Range 20 East, Boise Meridian, Custer County, Idaho and bounded by Corner No. 3 of said survey; thence South $72^{\circ}04'03''$ West, 535.41 feet; thence North $87^{\circ}49'$ West, 400 feet to a point on the West line of said H.E.S.; thence North $4^{\circ}51'$ East, 640 feet, more or less, to Corner no. 7 of said H.E.S.; thence North $7^{\circ}24'$ West, to the boundary line determined by U.S. Forest Road #135 easement bearing North 41° West more or less to the crossing of said easement and Corner No. 3 of said survey and which constitutes the nominal Northeast boundary of the Roberts parcel.

PARCEL III:

Township 7 North, Range 20 East, Section 29, Boise Meridian, Custer County, Idaho, a portion within the NE $\frac{1}{4}$, being adjacent to the southerly boundary of Homestead Entry Survey (HES) No. 508, and more particularly described as follows:

Beginning at Corner No. 5 of HES 508; thence North $87^{\circ}48'10''$ West, a distance of 390.10 feet, more or less, along the line between said Corner no. 5 and Corner No. 6 of said HES 508 to the TRUE POINT OF BEGINNING; thence South $86^{\circ}25'40''$ West, a distance of 469.30 feet, more or less, thence North $63^{\circ}37'20''$ West, a distance of 115.20 feet, more or less, to a point on the line between said Corner No. 5 and Corner No. 6 of said HES 508; thence South $87^{\circ}48'10''$ East, a distance of 572.00 feet, more or less, along the aforesaid line to the TRUE POINT OF BEGINNING.

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(ii) liens for taxes not yet due and payable; (iii) easements for public utilities affecting the Property; (iv) easements or claims to easements, covenants, restrictions and rights-of-way affecting the Property; (v) judgments of parties in possession; and (vi) all title exceptions referenced in the Title Commitment (the "Permitted Title Exceptions"). Any applicable zoning ordinances, laws and regulations, together with taxes for the current year and those matters, if any, which are waived by or pursuant to this Paragraph 10, shall also be deemed Permitted Title Exceptions.

(b) Seller covenants that it will not voluntarily create or cause a lien or encumbrance to attach to the Property between the date of this Agreement and Closing.

(c) The lodge and guest suites are selling furnished, as is. The sale is not contingent upon verification of the personal property items. Seller has provided an Equipment and Furnishings List for bidders' convenience only. Seller or J.P. King do not warrant or guaranty the items as listed.

(d) Seller will convey any mineral, oil, and gas rights as actually owned by Seller, if any.

(e) The Property is selling with all rights-of-way and easements of record.

(f) The Property is selling subject to the Equipment Rental Agreements between V-1 Propane and Wild Horse Creek Ranch, formerly known as Devil's Bedstead Ranch, for three (3) Trinity 1,000-gallon capacity LP Tanks.

(g) Seller shall convey all water rights as actually owned and permitted by the Idaho Department of Water Resources, Right Number 34-7005.

(h) It is recommended that bidders verify any and all uses of the Property and to verify all requirements for special use permits or other licenses.

(i) Seller agrees to convey and assign to Purchaser any rights it may have in and to the use of the tradename "Wild Horse Creek Ranch" and logo, although Seller does not warrant that it has the sole and exclusive right to the use of said name.

(j) If the Purchaser elects to maintain Wild Horse Creek Ranch as an outfitters business, the Property will then sell subject to the upcoming 2003 controlled hunts. The Purchaser will be required to use Dan Mulick as the Outfitters Designated Agent for the 2003 season. Currently, 4 deer tags and 3 elk tags have been issued for the controlled hunts. Immediately following the sale of the Property, the Purchaser will be required to contact the State of Idaho Outfitters & Guides Licensing Board and the Idaho Department of Game and Fish to apply for all permits and licenses as mandated. Purchaser will receive 10% of the fees collected for these hunts.

(k) The Property is selling subject to upcoming events to be hosted at the Property this year. The dates for the events are July 4-5, July 18-20, and July 25-27. The Seller will retain any income/deposits derived from these upcoming events. Seller will, at its expense, restore the Property to its pre-event condition, which may be on or after closing. Seller will need an additional two days, after the last event, for maintenance and clean-up.

11. FIXTURES AND PERSONAL PROPERTY This purchase and sale includes all the following as now situated on the Property: all plumbing, heating, lighting and electrical fixtures and systems, appliances, other fixtures, all carpeting, all cabinets, all built ins, blinds, draperies and window hardware, all shrubbery and all out-door statuary and all other items and things permanently attached to the Property. The lodge and guest suites are selling furnished, as is. The

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I R C P. 54(b) FOR
Water Right 34-07005

2002 JAN -9 PM 4:39

FILED 788
TWIN FALLS, IDAHO
NT-SRBA

NAME AND ADDRESS: WILD HORSE CREEK RANCH
P.O. BOX 398
MACKAY, ID 83251

SOURCE. NEWTON CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.50 CFS
75.40 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY

PRIORITY DATE 06/08/1968

POINT OF DIVERSION: T07N R20E S29 SENE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 09-15	0.50 CFS
			75.00 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS
			0.40 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE
TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT
ARE NOT EXCEEDED THE USE OF WATER AFTER SEPTEMBER 15 UNDER
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED LATE IRRIGATION USE AND A PRIORITY DATE EARLIER
THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Custer County

T07N R20E S20	SESE 19.0
S21	SWSW 1.0
S28	NWNW 1.0
S29	NENE 4.0
25.0 Acres Total	

Stockwater Within Custer County
Same as Irrigation

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

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RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE was mailed on January 09, 2002, with sufficient first-class postage to the following:

MOTION TO FILE A LATE CLAIM

Represented by:
KIMBELL D. GOURLEY
PO BOX 1368
BOISE, ID 83701
Phone: 208-344-3585

WILD HORSE CREEK RANCH
P.O. BOX 398
MACKAY, ID 83251

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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PARTIAL DECREE

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FILE COPY FOR 01307

Robbin Hlatky
Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 28, 2003

WILD HORSE CREEK RANCH LLC
1402 THIRD AVE STE 1024
SEATTLE WA 98101

RE: Change of Ownership for Water Right 34-7005

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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SEP 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 20, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILD HORSE CREEK RANCH LLC
GLEN MILLIMAN, MGR
1402 THIRD AVE STE 1024
SEATTLE WA 98101

RE: Change in Ownership of Decreed Water Right 34-7005

Dear Mr. Milliman:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Filing Fee of \$25 per water right**

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$25.00.

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in 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 (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact the Department if you have any questions.

Sincerely,

Kari Lynn Townsend
Secretary

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KLT:k

CUSTER COUNTY TITLE, INC.
P.O. Box 370
720 MAIN ST.
Challis, ID 83226
(208) 879-4424
(208) 879-5249 FAX

RECEIVED
AUG 15 2003
Department of Water Resources
Southern Region

August 14, 2003

RE. Our Order No. 10988 Wild Horse Creek Ranch - Millman

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

To Whom It May Concern:

Please find enclosed a Notice of Change in Water Right Ownership and a copy of the Warranty Deed on the above mentioned order.

If you have any questions, please call the new owner.

Thank You,

Heidi Thomas
Secretary

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