

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/4/2023

Water Right 22-7043 (After Split)

Owner Type **Name and Address**
Current Owner BFF HOLDINGS INC
500 S HUNTSMAN WAY
SALT LAKE CTY, UT 84108-1235
tmuir@hunstmancos.com

Security Interest THE BANK OF COMMERCE
PO BOX 787
DRIGGS, ID 83422-0787

Priority Date: 2/3/1971

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	11/01	1.460 CFS	317.4 AF
	Total Diversion		1.460 CFS	317.4 AF

Source and Point(s) of Diversion:

GROUND WATER SWSENE Sec. 2, Twp 04N, Rge 45E, TETON County

Place Of Use:

IRRIGATION within TETON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	2			24.0	40.0											34.0		98.0

POU Total Acres: 98.0

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 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. Section 42-1412(6), Idaho Code.

Comments:

2 bjordan 4/4/2023 Ownership Change
Split into 22-14543 and 22-7043.

SCANNED

22-7043
APR 04 2023

State of Idaho
Department of Water Resources

Water Right

22-7043

(After Split)



0 0.075 0.15 0.3 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion



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Proof Report

4/4/2023

Water Right 22-7043 (Before Split)

Owner Type **Name and Address**
Current Owner BFF HOLDINGS INC
500 S HUNTSMAN WAY
SALT LAKE CTY, UT 84108-1235
tmuir@hunstmancos.com

Priority Date: 2/3/1971

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	11/01	2.050 CFS	447.0 AF
	Total Diversion		2.050 CFS	447.0 AF

Source and Point(s) of Diversion:

GROUND WATER SWSENE Sec. 2, Twp 04N, Rge 45E, TETON County

Place Of Use:

IRRIGATION within TETON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	45E	2			24.0	40.0									40.0	34.0			138.0
POU Total Acres: 138.0																			

Conditions of Approval:

1. C18 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. Section 42-1412(6), Idaho Code.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Dates and Other Information:

Decreed Date: 11/24/2008
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

SCANNED

APR 04 2023

22-7043

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/4/2023

Combined Use Limits:
N/A

SubCase:
N/A

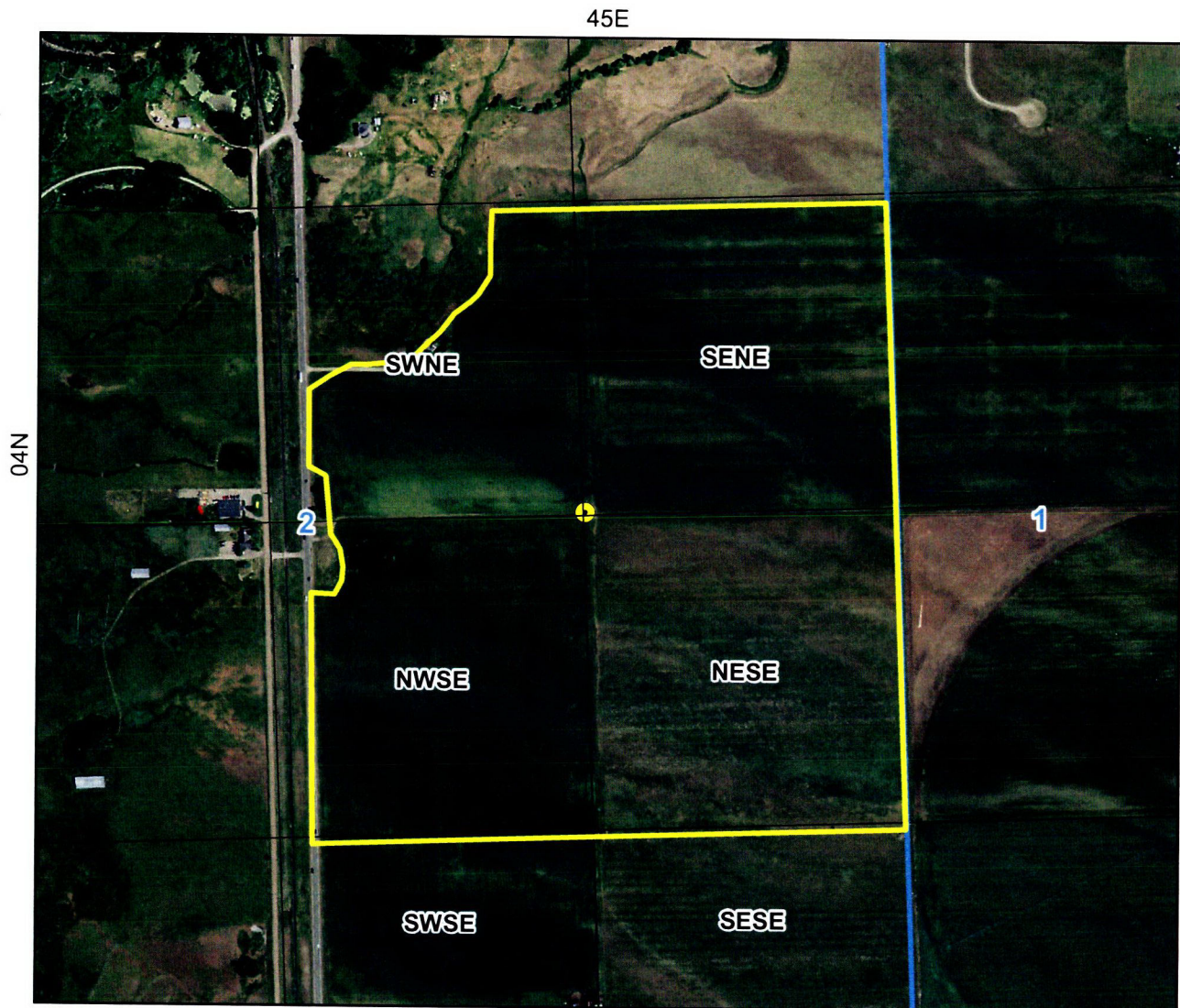
Water Supply Bank:
N/A

State of Idaho
Department of Water Resources

Water Right

22-7043

(Before Split)



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

RECEIVED

APR 04 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment 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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-7043	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-7043 22-14543	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: BFF HOLDINGS INC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): DARBY DEVELOPMENT INC
New owner(s) as listed on the conveyance document
- 851 PAIUTE ST
Mailing address
208-201-5151
Telephone
- DRIGGS
City
tetonrealestate@gmail.com
Email
- Name connector ☐ and ☐ or
ID 83422
State Zip
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: 05/13/2022
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. 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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Karin E. Wertheim
Signature of new owner/claimant
Karin Wertheim
Print name
- President, Darby Development
Title, if applicable
- 4 April 2023
Date
- Signature: _____
Signature of new owner/claimant
Title, if applicable
Date
- Print name

Received by _____ Date 5/18/2022 For IDWR Office Use Only: Receipt No. E048158 Receipt Amt. \$100.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by BJ Processed by BJ Date 4/4/2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 18 2022

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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-7043	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: BFF Holdings
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): 325 Blackfoot LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

851 Palate St.
Mailing address
208.201.5151
Telephone

Driggs ID 83422
City State Zip
tetonrealestate@gmail.com
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: 11.12.2020
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. 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).
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 - o \$25 per *undivided* water right.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Karin Wertheim for 325 Blackfoot LLC manager 5.14.22
 Signature of new owner/claimant Title, if applicable Date
Karin Wertheim
 Print name

Signature: _____
 Signature of new owner/claimant Title, if applicable Date

 Print name

For IDWR Office Use Only:
 Received by SD Date 5/18/2022 Receipt No. 6048158 Receipt Amt. \$100.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

APR 04 2023

Instrument # 263901

TETON COUNTY, IDAHO

11-12-2020 12:34:00 No. of Pages: 3

Recorded for: FIRST AMERICAN TITLE - DRIGGS

KIM KEELEY

Fee: \$15.00

Ex-Officio Recorder Deputy, Kim Keeley

Index to: DEED, GRANT

GRANT DEED

FOR VALUE RECEIVED, **BFF Holdings, Inc.**, a Utah corporation, Grantor, does hereby grant to **325 Blackfoot LLC**, an Idaho limited liability company, Grantee, whose address is **851 Paiute St., Driggs, Idaho 83422** the following described property situated in Teton County, Idaho:

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

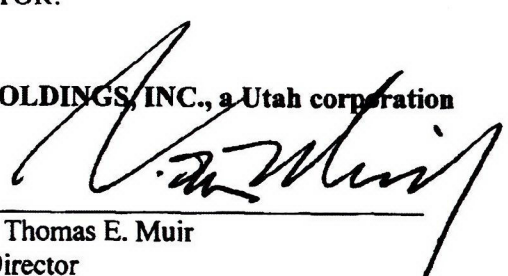
TOGETHER WITH all and singular the tenements, hereditament, and appurtenances thereunto belonging, or otherwise appertaining, including water rights, and all estate, right, title and interest in and to the said property.

SUBJECT TO: Taxes and assessments for the current year and future years; reservations in patents; all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions and other matters that may appear in the records of the recorder of the county in which said property is located; and any matters that would be revealed by an accurate survey or inspection of said property.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed this 4 day of November, 2020.

GRANTOR:

BFF HOLDINGS, INC., a Utah corporation

By: 

Name: Thomas E. Muir

Title: Director

SCANNED

APR 04 2023

GRANT DEED

FOR VALUE RECEIVED, **BFF Holdings, Inc., a Utah corporation**, Grantor, does hereby grant to **325 Blackfoot LLC, an Idaho limited liability company**, Grantee, whose address is **851 Paiute St., Driggs, Idaho 83422** the following described property situated in Teton County, Idaho:

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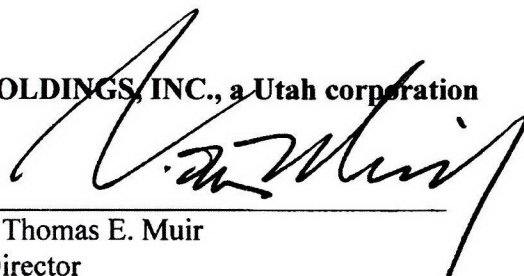
TOGETHER WITH all and singular the tenements, hereditament, and appurtenances thereunto belonging, or otherwise appertaining, including water rights, and all estate, right, title and interest in and to the said property.

SUBJECT TO: Taxes and assessments for the current year and future years; reservations in patents; all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions and other matters that may appear in the records of the recorder of the county in which said property is located; and any matters that would be revealed by an accurate survey or inspection of said property.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed this 4 day of November, 2020.

GRANTOR:

BFF HOLDINGS, INC., a Utah corporation

By: 

Name: Thomas E. Muir

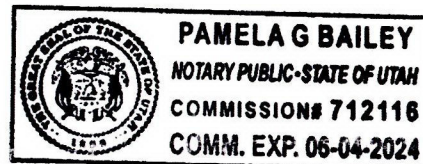
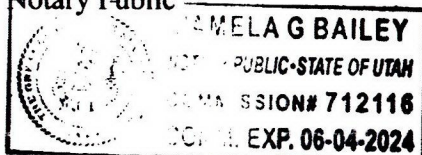
Title: Director

STATE OF Utah)
) ss.
County of Salt Lake

This record was acknowledged before me on Nov. 11, 2020, Thomas E. Muir as
Director of BFF Holdings, Inc., a Utah corporation.

Pamela G. Bailey
Signature of Notary Public

(stamp)



My Commission Expires: June 4, 2024

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE NE1/4 SE1/4 SECTION 2, TWP. 4N., RNG. 45E., B.M., TETON COUNTY, IDAHO
BEING FURTHER DESCRIBED AS:

COMMENCING AT THE E1/4 CORNER OF SAID SECTION 2, S 00°19'48"E, 1322.67
FEET TO A POINT;

THENCE N 89°24'00"W, 1327.76 FEET TO A POINT;

THENCE N 00°17'13"W, 1322.67 FEET TO A POINT;

THENCE S 89°23'57"E, 1326.76 FEET TO THE POINT OF BEGINNING.

PARCEL 2: (EASEMENT ESTATE)

TOGETHER WITH A 60 FOOT WIDE ACCESS AND UTILITY EASEMENT BEING
FURTHER DESCRIBED AS:

FROM THE E1/4 CORNER OF SECTION 2, TWP. 4N., RNG. 45E., B.M., TETON
COUNTY, IDAHO S 00°19'48"E, 1322.67 FEET TO THE POINT OF BEGINNING;

THENCE N 89°24'00"W, 60.00 FEET;

THENCE S 00°19'48"E, 1322.67 FEET TO A POINT ON THE COUNTY ROAD W 2000 S;

THENCE S 89°24'04"E, 60.00 FEET TO A POINT;

THENCE N 00°19'48"W, 1322.67 FEET TO THE POINT OF BEGINNING.

Instrument # 275831

TETON COUNTY, IDAHO

05-13-2022 14:46:00 No. of Pages: 4

Recorded for: THORNTON BYRON LLP

KIM KEELEY

Fee: \$15.00

Ex-Officio Recorder Deputy, Kim Keeley

Index to: DEED, WARRANTY

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP
3101 W. MAIN, SUITE 200
PO Box 7156
BOISE, ID 83707-1156
208-344-8600

(SPACE ABOVE LINE FOR RECORDER'S USE)

WARRANTY DEED

NOT A LEGAL COPY

SCANNED

APR 04 2023

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP
P.O. BOX 7156
BOISE, IDAHO 83707-1156

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

For Value Received, 325 Blackfoot LLC, an Idaho limited liability company ("Grantor"), does hereby grant, bargain, sell and convey unto Darby Development, Inc., an Idaho corporation ("Grantee"), whose current address is 851 Paiute Street, Driggs, Idaho 83422, all of its right, title and interest in and to that certain real property located in Teton County, Idaho, more particularly described on Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises with its appurtenances unto Grantee and its heirs and assigns forever. And Grantor does hereby covenant and with Grantee that Grantor is the owner in fee simple of the said premises; that the said premises is free from all encumbrances except the current year's taxes, levies and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument effective the 10th day of May, 2022.

Grantor:

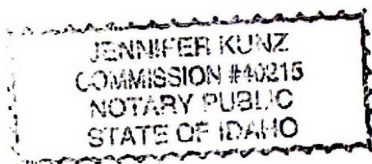
325 Blackfoot LLC

By: Karin Wertheim
Karin Wertheim, Manager

STATE OF IDAHO)
 SS.
COUNTY OF TETON)

On this 10th day of May, 2022, before me, the undersigned Notary Public in and for said State, personally appeared Karin Wertheim, known or identified to me to be the Manager of 325 Blackfoot LLC, the Idaho limited liability company that executed the foregoing instrument, and the person whose name is subscribed to the within instrument, and acknowledged to me that such Idaho 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.



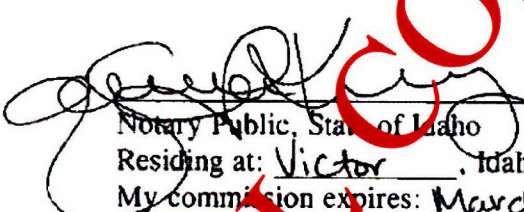

Notary Public, State of Idaho
Residing at: Victor, Idaho
My commission expires: March 14, 2023

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1:

THE NE1/4 SE1/4 SECTION 2, TWP. 4N., RNG. 45E., B.M., TETON COUNTY, IDAHO
BEING FURTHER DESCRIBED AS:

COMMENCING AT THE E1/4 CORNER OF SAID SECTION 2, S 00°19'48"E, 1322.67
FEET TO A POINT;

THENCE N 89°24'00"W, 1327.76 FEET TO A POINT;

THENCE N 00°17'13"W, 1322.67 FEET TO A POINT;

THENCE S 89°23'57"E, 1326.76 FEET TO THE POINT OF BEGINNING.

PARCEL 2: (EASEMENT ESTATE)

TOGETHER WITH A 60 FOOT WIDE ACCESS AND UTILITY EASEMENT BEING
FURTHER DESCRIBED AS:

FROM THE E1/4 CORNER OF SECTION 2, TWP. 4N., RNG. 45E., B.M., TETON
COUNTY, IDAHO S 00°19'48"E, 1322.67 FEET TO THE POINT OF BEGINNING;

THENCE N 89°24'00"W, 60.00 FEET;

THENCE S 00°19'48"E, 1322.67 FEET TO A POINT ON THE COUNTY ROAD W 2000 S;

THENCE S 89°24'04"E, 60.00 FEET TO A POINT;

THENCE N 00°19'48"W, 1322.67 FEET TO THE POINT OF BEGINNING.

NOT A LEGAL COPY



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 04, 2023

DARBY DEVELOPMENT
851 PAIUTE ST
DRIGGS ID 83422-5238

Re: Change in Water Right Ownership: 22-7043 (Split into 22-7043 and 22-14543)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Baily
Technical Records Specialist 1

Enclosure(s)

c: THE BANK OF COMMERCE
BFF HOLDINGS INC

SCANNED

APR 04 2023