

RECEIVED

OCT 02 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ORIGINAL

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?
65-1786 ✓	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: MTSE Holdings 2022009, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): EB Development, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 1580 Vanderdasson Rd. Emmett ID 83617
Mailing address City State Zip
480-582-8400 bryson@cornerstone-mgt.com
Telephone 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: October 17, 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: [Signature] manager 9-6-23
Signature of new owner/claimant Title, if applicable Date
William Bryson Bennett
Print name

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

For IDWR Office Use Only:

Received by KM Date 10.2.23 Receipt No. C117124 Receipt Amt. \$ 25.00
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 [Signature] Date 10-19-23

Instrument # 343494

EMMETT, GEM, IDAHO

2022-10-20 11:19:58 AM No. of Pages: 4

Recorded for: FIRST AMERICAN TITLE INSURANCE

SHELLY TILTON Fee: \$15.00

Ex-Officio Recorder Deputy SStewart

Index To: WARRANTY DEED

Electronically Recorded by Simplifile

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

AFTER RECORDING MAIL TO:

EB Development, LLC
2506 E Melrose St
Gilbert, AZ 85297

WARRANTY DEED

File No.: 4103-3907009 (MB)

Date: October 13, 2022

For Value Received, **MTSE Holdings 2022009, LLC, a Utah limited liability company**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **EB Development, LLC, an Arizona limited liability company**, hereinafter referred to as Grantee, whose current address is **2506 E Melrose St, Gilbert, AZ 85297**, the following described premises, situated in **Gem County, Idaho**, to wit:

LEGAL DESCRIPTION: Real property in the County of Gem, State of Idaho, described as follows:

See Attached Exhibit "A"

APN: **RP06N02W054500 & RP06N02W055420**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years 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.

Water rights associated with the property including but not limited to Water Right # 65-1786.

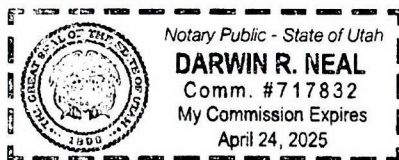
MTSE Holdings 2022009, LLC

By: [Signature]
Name: James S. Hickman
Title: Manager

STATE OF Utah)
COUNTY OF Crook)
ss.

On this 17 day of October, 2022, before me, a Notary Public in and for said State, personally appeared **James S. Hickman**, known or identified to me to be the person whose name is subscribed to the within instrument as **Authorized Signor** of the **MTSE Holdings 2022009, LLC**, a limited liability company, and acknowledged to me that such limited company executed 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.



[Signature]
Notary Public for the State of: Utah
Residing at: Logan, UT
My Commission Expires: 04/24/25

Exhibit 'A'

Parcel 1

That portion of the Southwest Quarter of the Southwest Quarter and Government Lot 11 of Section 5, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Southwest Quarter and Government Lot 11 of Section 5, Township 6 North, Range 2 West, Boise Meridian; thence
South 89°59'49" East 1314.12 feet, along the North line of said Southwest Quarter of the Southwest Quarter, to the Northeast corner thereof; thence
North 00°28'03" West, 1195.46 feet, along the West line of Government Lot 11 of said Section 5, to a point on the Mean High Water Line of the Payette River; thence
Easterly along said Mean High Water Line the following courses and distances:
South 76°45'07" East, 58.73 feet;
North 85°14'55" East, 248.90 feet;
South 54°11'24" East, 165.87 feet;
South 25°31'50" East, 403.86 feet;
South 08°20'10" East, 124.47 feet;
South 05°30'27" West, 428.09 feet;
South 02°34'39" East, 241.09 feet;
South 32°57'41" East, 99.11 feet;
South 48°59'42" East, 227.79 feet;
South 58°58'45" East, 139.50 feet;
South 57°38'26" East, 116.68 feet to the Northwest corner of that certain tract of land referred to as Lot 1 on that Record of Survey filed as Inst No. 172093, records of Gem County, Idaho; thence
South 23°30'13" East, 463.68 feet along the West line of said Lot 1; thence
South 02°00'18" West, 465.54 feet, along said West line, to the Southwest corner thereof; thence
North 89°30'15" East, 118.70 feet along the South line of said Lot 1, to the East line of said Government Lot 11; thence
South 00°24'00" East, 30.30 feet, along said East line to the Southeast corner of said Government Lot 11; thence
North 89°37'08" West, 555.00 feet, along the South line of said Government Lot 11, to the Southeast corner of Parcel 1 as shown on that certain Record of Survey filed as Instr No. 219678, records of Gem County, Idaho; thence along the Northerly and Westerly line of said Parcel 1 the following courses and distances:
North 46°25'30" East, 50.34 feet;
North 55°15'28" West, 457.21 feet;
North 48°50'21" West, 53.84 feet;
North 55°23'10" West, 488.45 feet;
North 59°23'23" West, 366.10 feet;
North 67°22'45" West, 198.93 feet;
North 57°09'03" West, 209.39 feet;
South 26°58'40" West, 56.37 feet;
South 31°03'29" West, 94.31 feet;
North 64°22'38" West, 201.99 feet;
South 34°48'24" West, 225.40 feet;
South 28°44'05" West, 281.18 feet to a point on the centerline of Vanderdassen Road being on the arc of a non-tangent 300.00 foot radius curve to the right a radial bearing from said point bears

North 43°47'08" East; thence

Northwesterly along the arc of said curve and said centerline through a central angle of 45°40'43" a distance of 239.17 feet; thence tangent to said curve

North 00°32'09" West 409.15 feet along said centerline, to the beginning of a tangent 200.00 foot radius curve to the left; thence

Northwesterly along the arc of said curve through a central angle of 16°00'20" a distance of 55.87 feet to a point on the West line of said Government Lot 11; thence

North 00°32'32" West, 144.74 feet along said West line, to the Point of Beginning.

Parcel 2

A parcel of land located in Government Lot 12 of Section 5, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho. Being further described as follows:

Basis of Bearings:

The South line of the Southwest Quarter of Section 5, Township 6 North, Range 2 West, Boise Meridian, derived from found monuments and taken as North 89°37'08" West with the distance between monuments found to be 2625.00 feet.

Beginning at the South 1/16 corner of Section 5, Township 6 North, Range 2 West, Boise Meridian from which the Southwest Section corner of said Section 5 bears

South 00°32'32" East a distance of 1318.36 feet; thence along the West line of Government Lot 12, of said Section 5

North 00°31'47" West a distance of 1222.72 feet to a point on the meander line of the Payette River as defined by Record of Survey Instrument #163758; thence along said meander line of the Payette River the following five (5) courses:

South 82°57'07" East a distance of 345.99 feet;

North 59°29'54" East a distance 107.41 feet;

North 77°26'15" East a distance of 390.43 feet;

South 75°43'41" East a distance of 375.90 feet;

South 76°45'07" East a distance of 138.04 feet to point on the East line of said Government Lot 12; thence along said East line

South 00°28'03" East a distance of 1195.46 feet to the Southwest 1/16 corner of said Section 5; thence along the South line of said Government Lot 12

North 89°59'49" West a distance of 1314.12 feet to the Point of Beginning.

State of Idaho
Department of Water Resources
Water Right

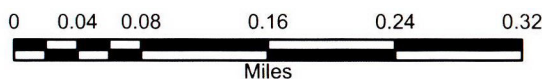
65-1786

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 8/30/2023



Legend

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



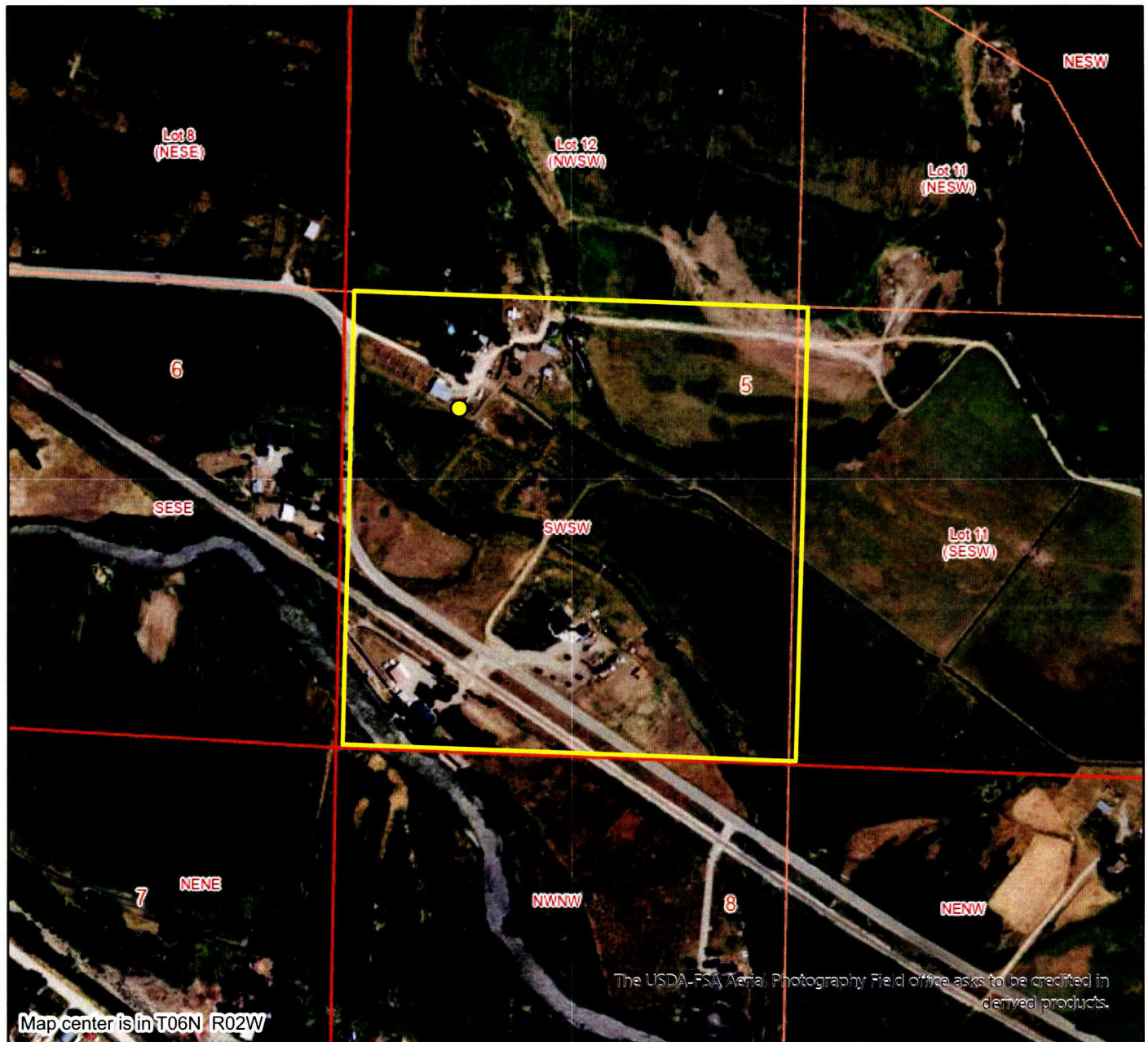
State of Idaho
Department of Water Resources

Water Right

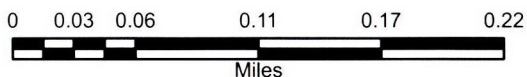
65-1786

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 8/30/2023



Legend

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



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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 65-01786

NAME AND ADDRESS: PAYETTE RIVER RANCH
C/O SHIRLEY FISCHER
1114 VANDERDASSON RD
EMMETT, ID 83617

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
3.90 AFY

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

PRIORITY DATE: 09/10/1936

POINT OF DIVERSION: T06N R02W S05 NWSWSW Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
			1.20 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS
			2.70 AFY

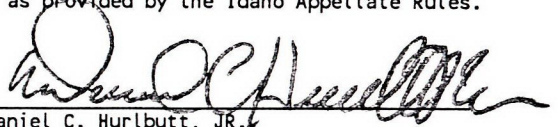
PLACE OF USE:	Stockwater		Within Gem County
	T06N R02W S05	SWSW	NWSW
	Domestic		Within Gem County
	T06N R02W S05	SWSW	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 19, 2023

EB DEVELOPMENT, LLC
1580 VANDERDASSON RD
EMMETT ID 83617-9759

Re: Change in Ownership for Water Right No(s): 65-1786

Dear Water Right Holder(s):

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

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)