

August 5th, 2004

Mr. Daniel A. Nelson, Water Resource Agent
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082
Phone: 208-334-2190
Fax: 208-334-2348
Email: dnelson@idwr.state.id.us

RECEIVED
AUG 09 2004
WATER RESOURCES
WESTERN REGION

Marvin W. and Gloria K. Mortenson
H.C.75 Box 3545
13 B Elk Lake Road
New Meadows, Idaho 83654
Phone: 208-628-2744
Fax: Same as Phone #
Email: mgmtwo@citlink.net

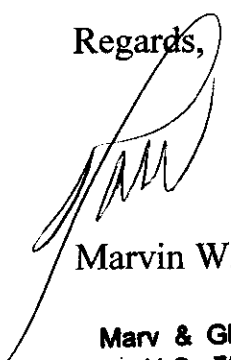
Dear Daniel,

Attached is our Check for \$25.00 for 78-10343 along with the
Following:

- 1 – Eight (8) ^{-profile reports} Pages of Notice of Change in Water Right Ownership
- 2 – Five (5) Pages of Warranty Deed
- 3 – Four (4) Pages of Application for Permit

Dan, Gloria and I again thank you for your time in helping us apply for
The water permit ---

Regards,



Marvin W. Mortenson

Marv & Gloria Mortenson
H.C. 75 Box 3545
New Meadows, ID 83654-9600

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

RECEIVED**AUG 09 2004****WATER RESOURCES
WESTERN REGION**

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
<u>78-7324</u>	_____	___	_____	_____	___
<u>78-7109</u>	_____	___	_____	_____	___
<u>78-10343</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- 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) DAVID G. & CAROLYN PITT
HC 75 Box 3552, New Meadows, ID 83654
4. New Owner/Claimant(s) MARVIN AND/OR GLORIA MORTENSON
 Name Connector (Check one): [] and, [] or, [☒] and/or
- New Mailing Address HC 75 Box 3545
- City, State and ZIP Code NEW MEADOWS, ID 83654
- New Telephone Number (208) 628-2744
5. Date you acquired the property 5-10-2002
5-10-2003

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)

[Handwritten Signature]

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.

N/A

For Office Use Only
 Received by DB Date 8-9-04 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

~~There is a \$25.00 Fee FOR 78-10343~~

No fee required. DB 8/9/04

WARRANTY DEED
Dated 5-10-02

422437

REO LN #0027015783

WARRANTY DEED

GRANTOR, WASHINGTON MUTUAL BANK FSB, of Mailstop N180104, 19980 Plummer St., Chatsworth, CA 91311, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to MARVIN WARD MORTENSON and GLORIA KAY MORTENSON, husband and wife, of HC 75 Box 3545, New Meadows, ID 83654, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes for the year 2002, which are a lien, not yet due and payable.

2. Subject to the rights of other to use the road on the Northerly boundary of said property.

3. Right of Way Easement, including the terms and conditions thereof, by and between THEODORE STILLMAN and IDAHO POWER COMPANY, recorded April 24, 1948, under Instrument No. 159349, in Book 80 page 552, records of Idaho County, Idaho.

4. Easement as set forth in Warranty Deed, including the terms and conditions thereof, by and between MAUDIE H. SILVA DURGAN and ELMER DURGAN, wife and husband, Grantors, and LYLE D. ALBRECHT and PEGGY J. ALBRECHT, husband and wife, Grantees, recorded May 10, 1974, under Instrument No. 253806, records of Idaho County, Idaho.

5. Subject to easement as set forth in Order, including the terms and conditions thereof, filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, GLENN E. BAUM and NETTA BAUM, husband and wife, and FLOYD D. WEST and FLORENCE WEST, husband and wife, Plaintiffs vs. DAVID G. PITTS and CAROLYN PITTS, husband and wife, Defendants, Case No. 39576, recorded March 25, 1992, under Instrument No. 362691, records of Idaho County, Idaho.

6. Power Line Easement, including the terms and conditions thereof, by and between DAVID G. PITTS and CAROLYN S. PITTS, and IDAHO POWER COMPANY, a corporation, recorded November 12, 1996, under Instrument No. 390097, records of Idaho County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are

1 the owners in fee simple of said premises; that they are free from all
2 encumbrances, and that they will warrant and defend the same from all
3 lawful claims whatsoever, except general taxes for the year 2002, and
4 easements, reservations, restrictions and rights-of-way of record or in
use.

5 Except as otherwise expressly provided in this instrument, GRANTORS,
6 hereby declare pursuant to Title 5, Chapter 2 of the Idaho Code, that in
7 the event GRANTORS shall have permitted or suffered at any time prior to
8 the making of this instrument, any person or entity to possess, use or
9 occupy the above-described premises, or any portion thereof, for any
purpose, with or without the knowledge of GRANTORS, it was not the intent
of GRANTORS, by permitting or suffering such possession, use or
occupation, to thereby define property boundaries or ownership thereof.

10 In construing this deed, and where the context so requires, the
11 singular includes the plural and the masculine, the feminine and the
neuter.

12 IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to
13 this instrument this 13th day of May 2002.

14 + Diane Aitken

15 WASHINGTON MUTUAL BANK FSB

By: Authorized Agent

16 Diane Aitken, Asst. Vice President

17 STATE OF _____)

ss.

18 County of _____)

19 On this _____ day of May, 2002, before me, _____, a
20 Notary for the said County and State, personally appeared
21 _____, known or identified to me to be the
22 _____ of WASHINGTON MUTUAL BANK FSB, that executed the
23 instrument on behalf of said WASHINGTON MUTUAL BANK FSB, and acknowledged to me
24 that such WASHINGTON MUTLA BANK FSB, executed the same.

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

3
4 (NOTARY SEAL)

see attached
Notary Public for State of _____,
Residing at _____, therein.
My commission expires on _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of LOS ANGELES

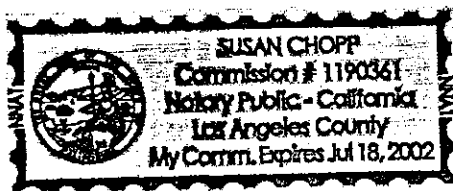
On May 13, 2992 before me,

Susan Chopp, Notary
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Diane Aitken

Name(s) of Signer(s)

☐ personally known to me - ~~OR -~~ ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal

Susan Chopp
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed

Document Date: 5/13/02 Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Diane Aitken

- ☐ Individual
☒ Corporate Officer
Title(s): Asst. Vice President
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

N/A

Signer Is Representing:

Washington Mutual Bank, FSB

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing:

File No. 15801

EXHIBIT A**SCHEDULE C**

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 26: A parcel of land (being Tax Numbers 69 and 94) located in the NW¼, more particularly described as follows:
Commencing at the ¼ Corner common to Sections 26 and 27 of said Township and Range;
thence N.44°28'42"E., 1753.30 feet to the TRUE POINT OF BEGINNING;
thence S.37°26'45"E., 246.95 feet to a point;
thence S.00°00'00"W., 116.99 feet to a point;
thence N.90°00'00"E., 179.81 feet to a point;
thence N.00°00'00"E., 631.40 feet to a point (shown by a survey as N.00°11'09"E., 631.382 feet);
thence S.63°56'01"W., 255.83 feet to a point (shown by a survey as S.64°07'27"W., 255.743 feet);
thence S.25°56'01"W., 229.00 feet to the TRUE POINT OF BEGINNING.

AND A parcel of land (being Tax Number 95) located in the NW¼ said Section, Township and Range, more particularly described as follows: Commencing at the ¼ Corner common to Sections 26 and 27 of said Township and Range;
thence N.44°28'42"E., 1753.30 feet to a point;
thence N.25°56'01"E., 229.00 feet to a point;
thence N.63°56'01"E., 255.83 feet (shown by a survey as N.64°07'27"E., 255.743 feet) to the TRUE POINT OF BEGINNING;
thence S.00°00'00"W., 631.40 feet (shown by a survey as S.00°11'09"W., 631.382 feet) to a point;
thence N.15°00'00" (+-) E., 545.00 (+-) feet (shown by a survey as N.15°06'57"E., 545.191 feet) to a point on the East side of the Perimeter Boundary Road;
thence N.11°00'00"W., 190.00 feet to a point on the South side of the main 30 foot access road;
thence S.51°53'41"W., 132.00 (+-) feet to the TRUE POINT OF BEGINNING.

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at	12:05 p.m. on 5/16/02
ROSE E. GEHRING	
By	Jandy Goins
	Recorder
Fees \$	15.00
	Deputy



HOUSE

UNNAMED STREAM P/D

IRRIGATION

POND

SPRING P/D

SWNW
SESW

NENW
SESW