

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

RECEIVED

AUG 12 2004

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
	73-10038	✓			
	73-4009	✓			
	73-12028	✓			

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)

WORTH & MARY BAGGEMAN

HC-61 Box 3080 Challis ID 83226

4. New Owner/Claimant(s)

Sydney A. 1/2 Karen A. Dowton

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO Box 7

City, State and ZIP Code

Ellis ID 83235

New Telephone Number

(208) 876-4225

5. Date you acquired the property

2-26-1981

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 <u>73-10038 - 73-4005</u>		
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	<u>1.2 cfs</u>	<u>27.77</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>1.2 cfs</u>	_____

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)

Sydney M. Dorton
Karen A. Dorton

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

0220594

THIS INDENTURE, Made this 26th day of February
 in the year of our Lord one thousand nine hundred and eighty-one
 between WORTH BOGGEMAN and MARY A. BOGGEMAN, husband and wife,
 of Ellis County of Custer
 State of Idaho the parties of the first part, and
 SYDNEY M. DOWTON, JR., and KAREN A. DOWTON, husband and wife,
 of Ellis County of Custer
 State of Idaho the parties of the second part,
 WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 TWO-HUNDRED-NINETY-EIGHT THOUSAND AND NO/100 (\$298,000.00) DOLLARS,
 lawful money of the United States of America, to them in hand paid by the
 said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
 and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part
 of the second part, and to their heirs and assigns forever, all the following described real estate,
 situated in Custer County
 State of Idaho, to wit:

The following described real estate lying, being and
 situate in the County of Custer, State of Idaho, to-wit:
 TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN

In Section 26, T. 16 N., R. 20 E., Boise Meridian, Lots
 6 and 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT THAT PORTION DEEDED FOR HIGHWAY
 PURPOSES.

ALSO, In Section 36, T. 16 N., R. 20 E., Boise Meridian,
 a fraction of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the Northwest corner of said Section 36;
 thence South 100 feet; thence N. 52Deg34' E. 63 feet; thence
 N. 82Deg00' E. 299 feet; thence S. 60Deg45' E. 247 feet;
 thence S. 83Deg24' E. 204 feet; thence S. 76Deg10' E. 134
 feet; thence S. 61Deg15' E. 349 feet; thence N. 48Deg00' E.
 160 feet to a point South 253 feet of the Northeast corner
 of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 253 feet; thence West 1320 feet to
 the Northwest corner of said Section 36, the point of beginning.

ALSO, In Section 35, T. 16 N., R. 20 E., Boise Meridian,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ excepting therefrom that portion deeded for highway
 purposes:

Fraction of NW $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows: Beginning
 at a point at the Northeast corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence
 West 1320 feet; thence South 1320 feet; thence N. 59Deg30' E.
 1532 feet, more or less, to the East line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 thence North 543 feet to the point of beginning.

Fraction of NE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows: Beginning at
 a point on the Northeast corner of said Section 35; thence
 S. 67Deg40' W. 335 feet; thence S. 24Deg00' E. 157 feet;
 thence N. 52Deg34' E. 368 feet, more or less, to the East
 boundary line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 100 feet to the
 point of beginning.

A fraction of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows: Beginning
 at the Northeast corner of said Section 35; thence S. 67Deg40' W.
 1427 feet to a point on the West boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence
 North 543 feet, more or less, to the Northwest corner of said
 NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence East 1320 feet to the point of beginning.

ALSO, In Section 25, T. 16 N., R. 20 E., Boise Meridian,
 a fraction of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

(Continued on Page 205)

220594

Beginning at the Southwest corner of said Section 25, run thence North along the West boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 612.0 feet, more or less, to a point on the Southerly side of the County Road; thence along the Southerly side of the County Road as follows: S. 78Deg30' E. 372.0 feet; thence S. 60Deg39' E. 1097.0 feet to the Southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West along the South boundary of said

SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1320.0 feet to the point of beginning.

EXCLUDING THEREFROM An unsurveyed portion of the above tract of property located in said Section 25 consisting of 7.5 acres, which said 7.5 acres is presently divided from said above described tract of land which contains approximately 10.73 acres; the division line between the portion conveyed and the portion retained shall be the fence line between said properties, as said parties may establish said boundary line.

ALSO EXCLUDED Is all of the above described property located west of U.S. Highway 93 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 and all property located west of Highway 93 located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 and also a portion of the property located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 of which the Sellers shall retain property located north of a division fence to be constructed; which said fence shall run from a point located on the north side of the Highway 93 underpass northwesterly to a point on the south side of the existing pump station located on the east bank of the Salmon River; said fence shall be the division line.

The property herein conveyed consists of 154 acres, more or less, and the property herein retained by the Sellers and excluded from this deed consists of approximately 33.5 acres, more or less.

Together with any and all ditch and ditch rights, water and water rights appurtenant to said property or used in connection therewith and any and all improvements located thereon.

The Sellers, specifically, retain 50 inches of water from the Pahsimeroi water right to be used by the Sellers for irrigation and recreation and pond storage; and also 22 inches of water from the Pahsimeroi water right for irrigation of the 7.5 acres being retained in Section 25.

The above conveyance is made free and clear of all other encumbrances except: Rights-of-way and easements, reservations in Federal patents and State deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.

And specifically an easement for the Sellers to convey their 50 inches water right from the main ditch through Section 26 to the Sellers' property.

Sellers also retain one-half of any mineral rights including oil and gas rights that are appurtenant to the property.

Map is attached to this Deed as Exhibit "A".

0550264 4

BOGGE MAN		DOWTON MAP EXHIBIT "A"		CONSERVATION PLAN MAP	
Prepared by UNITED STATES DEPARTMENT OF AGRICULTURE					
cooperating with					
CUSTER					
OWNER	WORTH	BOGGE MAN	Form No.	DATE	
OPERATOR	CUSTER		SCALE	1/4" = 1/2" ACRES	
		ID#	Photo No.	CVQ-53-60	

Blue equals perfect retained

7-22-59



220594
TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written
SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Worth Boggesman [Seal]
WORTH BOGGEMAN
Mary A. Boggesman [Seal]
MARY A. BOGGEMAN [Seal]

[Seal]

STATE OF IDAHO,

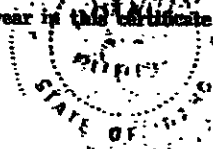
County of Lemhi

On this 26th day of February in the year 1981, before me
the undersigned a Notary Public

in and for said State, personally appeared WORTH BOGGEMAN and MARY A. BOGGEMAN, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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
Residing at Salmon Idaho.

STATE OF IDAHO,

County of

220594

Karen Doster
Time: 3:38 PM Mon. 1-20-81
Book 77, Page 1200

Ex-Officio Recorder

I hereby certify that this instrument was filed for record at request of

at _____ minutes past _____ o'clock M., this _____ day of _____, A.D. 19 _____
in my office, and duly recorded in Book _____ of _____ at page _____

Fees, \$ _____

By _____ Ex-Officio Recorder.

Syd Downton Irrigated Acres



740

370

0

740 Feet

