



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 22, 2004

MICHAEL GENOFF
PAULA FORMOSA
519 LAKESHORE DR
NORTH SIOUX CITY SD 57049

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DEC 8 2004

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #81-7045 and 81-10183

Department of Water Resources

Dear Claimants:

Thank you for writing that you are now one of the owners of the claims referenced above. Before we can modify our records to reflect your ownership of the water right, we require the enclosed Notice of Change of Water Right Ownership form be submitted. I have enclosed that form for your use.

Since the claims are still pending before the court, there is no fee to change the ownership.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Form 42-248/42-1409(6)

*Enclosed
Please find
Paperwork*

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

DEC 8 2004

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Department of Water Resources
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
81-7045					
81-10183					

- 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)

LINWOOD Laughy
P.O. Box 447 Kooskia ID 83539

- 4 New Owner/Claimant(s)

CLEARWATER RIVER PLACE, LP

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

Michael Genoff PAULA FORMOSA

New Mailing Address

519 LAKESHORE DRIVE

City, State and ZIP Code

NORTH Sioux City SD 57049

New Telephone Number

(605) 217-4455

- 5 Date you acquired the property

10/10/04

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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)

Paula Formosa M.C.G.

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 _____

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FILE COPY

WARRANTY DEED

GRANTOR, J. LINWOOD LAUGHY, also known as JAMES LINWOOD LAUGHY, and KAREN S. HENDRICKSON, also known as BORG HENDRICKSON, husband and wife, of HC75 Box 139B, Kooskia, ID 83539, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to THE CLEARWATER RIVER PLACE, LP, an Idaho Limited Partnership, of 519 Lakeshore Drive, North Sioux City, SD 57049, 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 2004, which are a lien, not yet due and payable.

2. Any claim arising from the difference in the mean high water line of the Middle Fork of the Clearwater River and the meander line as shown by the Original Government Survey.

3. Right of Way Deed for Wagon Road to Idaho County, recorded July 3, 1915, in Book 38 page 491.

4. Scenic Easement to the United States of America, recorded January 17, 1972, as Instrument No. 243911.

5. Right of Way Easement to IDAHO COUNTY LIGHT AND POWER COOPERATIVE ASSOC., INC., a corporation, recorded March 4, 1997, as Instrument No. 391953.

6. Terms and conditions in Road Right of Way Easement recorded November 13, 2003, as Instrument No. 0432751.

7. That certain Road Ingress/Egress Right of Way Easement by and between Linwood Laughy and Karen Hendrickson, husband and wife, as Grantors and John Maryanski and Janene Maryanski, husband and wife, as Grantees, recorded the 30th day of September 2004, recorded as Instrument No. 437950, 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 the owners in fee simple of said premises; that they are free from all

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1 encumbrances, and that they will warrant and defend the same from all
2 lawful claims whatsoever, except general taxes for the year 2004, and
3 easements, reservations, restrictions and rights-of-way of record or in
4 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
10 purpose, with or without the knowledge of GRANTORS, it was not the intent
11 of GRANTORS, by permitting or suffering such possession, use or
12 occupation, to thereby define property boundaries or ownership thereof.

13 In construing this deed, and where the context so requires, the
14 singular includes the plural and the masculine, the feminine and the
15 neuter.

16 IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to
17 this instrument this ____ day of October, 2004
18

19 _____
20 JAMES LINWOOD LAUGHY

21 _____
22 KAREN S. HENDRICKSON

23 STATE OF IDAHO)
24 ss.
25 County of Idaho)

26 On this ____ day of October, 2004, before me,
27 _____, a Notary for the said County and State,
28 personally appeared J. LINWOOD LAUGHY, also known as JAMES LINWOOD
LAUGHY, and KAREN S. HENDRICKSON, also known as BORG HENDRICKSON, husband
and wife, known or identified to me to be the persons whose names are
subscribed to the within instrument, and they acknowledged to me that
they freely executed the same and that the statements therein contained
are true.

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year first above written

(NOTARY SEAL)

Notary Public for State of Idaho.
Residing at _____, therein.
My commission expires on _____, 20____.

EXHIBIT A

PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

Township 32 North, Range 4 East, Boise Meridian, Idaho County, Idaho
Section 1: Government Lots 4, 9, 11, 12, 13 and SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 32 North, Range 5 East, Boise Meridian, Idaho County, Idaho
Section 6: Government Lots 10, 11, 12, 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

LESS THE FOLLOWING DESCRIBED PARCEL:

A parcel of land being Government Lot 10, and a portion of Government Lot 11, the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, of said Section 6, more particularly described as: Commencing at the Southeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North along the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ 660 feet to the TRUE POINT OF BEGINNING;

Thence West for 1320 feet, more or less, to the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North 330 feet along said West line;

Thence West 970 feet;

Thence North to the high water line of the Middle Fork of the Clearwater River;

Thence easterly along said high water line to its intersection with the East line of said Government Lot 10;

Thence South along said East line of Government Lot 10 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ back to the TRUE POINT OF BEGINNING

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FILE COPY

WARRANTY DEED

GRANTOR, J. LINWOOD LAUGHY also know as JAMES LINWOOD LAUGHY and KAREN S. HENDRICKSON, also known as BORG HENDRICKSON, husband and wife, of HC75 Box 139B, Kooskia, ID 83539, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to THE CLEARWATER RIVER PLACE, LP, an Idaho Limited Partnership, of 519 Lakeshore Drive, North Sioux City, SD 57049, 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 a non-exclusive easement for ingress and egress, 18 feet in width over and across the existing road which crosses the parcel of land described in Exhibit "B" attached hereto and hereby incorporated by this reference. Said road is depicted in Exhibit "C" attached hereto

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

Subject to:

1. General taxes for the year 2004, which are a lien, not yet due and payable.

2. Any claim arising from the difference in the mean high water line of the Middle Fork of the Clearwater River and the meander line as shown by the Original Government Survey.

3. Scenic Easement to the United States of America recorded January 17, 1972, as Instrument No. 243911.

4. Right of Way Easement to Idaho County Light and Power Cooperative Assoc. Inc., a corporation, recorded March 4, 1997, as Instrument No. 391953.

5. Terms and Conditions in Road Right of Way Easement recorded November 13, 2003, as Instrument No. 0432571

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 the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except general taxes for the year 2004, and

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1 easements, reservations, restrictions and rights-of-way of record or in
2 use.

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

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

14 IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to
15 this instrument this ____ day of October, 2004.

16 _____
17 JAMES LINWOOD LAUGHY

18 _____
19 KAREN S HENDRICKSON

20 STATE OF IDAHO)

21 ss.

22 County of Idaho)

23 On this ____ day of October, 2004, before me,
24 _____, a Notary for the said County and State,
25 personally appeared J. LINWOOD LAUGHY, also known as JAMES LINWOOD
26 LAUGHY, and KAREN S. HENDRICKSON, also known as BORG HENDRICKSON, husband
27 and wife, known or identified to me to be the persons whose names are
28 subscribed to the within instrument, and they acknowledged to me that
they freely executed the same and that the statements therein contained
are true.

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

(NOTARY SEAL)

Notary Public for State of Idaho.
Residing at _____, therein.
My commission expires on _____, 20____

WARRANTY DEED

EXHIBIT A

Township 32 North, Range 5 East, Boise Meridian, Idaho County, Idaho

Section 6: A parcel of land being Government Lot 10, and a portion of Government Lot 11, the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, of said Section 6, more particularly described as: Commencing at the Southeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North along the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ 660 feet to the TRUE POINT OF BEGINNING;

Thence West for 1320 feet, more or less, to the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North 330 feet along said West line;

Thence West 970 feet;

Thence North to the high water line of the Middle Fork of the Clearwater River;

Thence easterly along said high water line to its intersection with the East line of said Government Lot 10;

Thence South along said East line of Government Lot 10 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ back to the TRUE POINT OF BEGINNING.

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EXHIBIT B

PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

Township 32 North, Range 4 East, Boise Meridian, Idaho County, Idaho
Section 1: Government Lots 4, 9, 11, 12, 13 and SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 32 North, Range 5 East, Boise Meridian, Idaho County, Idaho
Section 6: Government Lots 10, 11, 12, 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

LESS THE FOLLOWING DESCRIBED PARCEL:

A parcel of land being Government Lot 10, and a portion of Government Lot 11, the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, of said Section 6, more particularly described as: Commencing at the Southeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North along the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ 660 feet to the TRUE POINT OF BEGINNING;
Thence West for 1320 feet, more or less, to the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 330 feet along said West line;
Thence West 970 feet;
Thence North to the high water line of the Middle Fork of the Clearwater River;
Thence easterly along said high water line to its intersection with the East line of said Government Lot 10;
Thence South along said East line of Government Lot 10 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ back to the TRUE POINT OF BEGINNING.

COPIED

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