

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

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
73-4078					
73-10038					

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 Bogge man
 Deceased

4. New Owner/Claimant(s)

Troy & Margaret Ziegler
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

HC63 Box 1571

City, State and ZIP Code

Challis, Idaho 83226

New Telephone Number

208-879-2045 or 208-876-4123

5. Date you acquired the property

12/20/2001

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)

Sherry R. Ziegler
Marcus Ziegler

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 _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

MAR 10 2005

DEPARTMENT OF
WATER RESOURCES

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by H. G. WHITE, II, as Personal Representative of the estate of WORTH BOGGEMAN, deceased, Grantor, to TROY ZIEGLER and MAURENE ZIEGLER, husband and wife, Grantees, whose current address is HC 63 Box 1571, Challis, Idaho 83226.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Probate Number SP-01-26, in Custer County, Idaho;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers and conveys to Grantees the following described real property in Custer County, Idaho:

TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 25: A fraction of the SW $\frac{1}{4}$ SW $\frac{1}{4}$. described as follows:

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: South 78°30' East, 372.0 feet; thence South 60°39' East, 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.

AND

A tract of land being portions of Lot 6 and Lot 8, Section 26, T. 16 N., R. 20 E., B.M., Custer County, Idaho located between U.S. Highway 93 and the Salmon River, more particularly described as follows:

Beginning at the southwest corner of said Section 26 and running thence N 89°41'27"E 2467.96 feet along the south line of Section 26 to a point on the northwesterly right-of-way line of U.S. Highway 93; thence N 48°25'00"E 52.18 feet along said right-of-way line to a point which is 40.0 feet left of centerline Station 896+46.3; thence N 89°58'26"W 89.43 feet along said right-of-way line to a point which is 99.39 feet left of centerline Station 895+79.4; thence N 48°25'00"E 121.44 feet along said right-of-way line to the TRUE POINT OF BEGINNING for this description:

thence N 61°27'47"W 994.99 feet along a historical property division fence line between the Boggeman property and the Dowton property;
thence N 32°53'39"W 109.83 feet along said fence line to a point on the 2001 Meander Line of the Salmon River;

thence N 81°49'51"E 432.49 feet along said 2001 Meander Line;

thence S 83°01'18"E 108.58 feet along said 2001 Meander Line;

thence S 72°41'06"E 55.28 feet along said 2001 Meander Line;

thence N 89°00'28"E 292.82 feet along said 2001 Meander Line;

thence N 79°02'39"E 310.44 feet along said 2001 Meander Line;

thence N 48°13'26"E 79.80 feet along said 2001 Meander Line to a point on the 1892 Meander Line of the Salmon River;

thence N 00°43'05"E 165.00 feet along said 1892 Meander Line;

thence N 57°28'05"E 617.04 feet along said 1892 Meander Line to a point on the north line of said Lot 6 (north line of the south half of the SE¼ of Section 26);

thence N 89°35'17"E 183.50 feet along said north line of Lot 6 to the B.L.M. Special Meander Corner Monument;

thence N 89°35'17"E 444.32 feet along said north line of Lot 6 to a point on the northwesterly right-of-way line of U.S. Highway 93;

thence S 48°25'00" W 1304.22 feet along said right-of-way line to a point which is 40.0 feet left of centerline Station 902+98.6;

thence N 41°35'00"W 59.39 feet along said right-of-way line;

thence S 48°25'00"W 597.74 feet along said right-of-way line to the **TRUE POINT OF BEGINNING.**

Together with all appurtenances.

SUBJECT HOWEVER to the following exceptions and reservations:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 2001, which are a lien, payable on or before December 20 of said year. (2001 taxes in the original amount of \$1,242.92 under parcel No. RP16N20E268412 and \$18.14 under parcel No.. RP16N20E256020).
8. Any claim arising from the difference in the mean high water line of the Salmon River and the meander line as shown by the Government Survey.
9. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of land covered by water.
10. Any adverse claim based on the assertion that the location of the Salmon River has moved.
11. Special covenants and right-of-way as shown in the Deed dated January 25, 1936, from George A. Ellis, Jr. to the State of Idaho, recorded February 14, 1936 in Book 22 of Deeds at page 647, under recorder's reception number 42967, records of Custer County, Idaho.
12. County Road Easement as shown in Agreement dated October 10, 1955, by and between Custer County, by County Commissioners, and Edward R. Gabert, recorded September 26, 1957, in Book 5 of Bonds and Agreements, at page 169 under Recorder's reception number 110901, records of Custer County, Idaho.

13. Irrigation Contract dated May 24, 1984, by and between Salmon River Electric Cooperative, Inc. and Worth Boggeman, recorded December 9, 1985, as instrument No. 175756, records of Custer County, Idaho.
14. The right, title and interest of Sydney M. Dowton, Jr. and Karen A. Dowton, as Grantees in the Deed dated February 26, 1981, recorded March 1, 2000, as instrument No. 220594, records of Custer County, Idaho.
15. Notices of liens in favor of the State Tax Commission, the Department of Labor, and Department of Health and Welfare of the State of Idaho filed in the office of the Secretary of State pursuant to Chapter 19, Title 45, Idaho Code.

EXECUTED this 17 day of December, 2001.

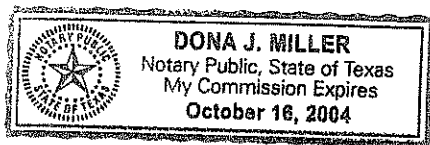
Worth Boggeman
by *H. G. White, II*

H. G. White, II, Personal Representative
of the Estate of Worth Boggeman, deceased.

STATE OF TEXAS)
County of TARRANT)
SS:

On this 17 day of December, 2001, before me, a Notary Public in and for said State, personally appeared H. G. WHITE, II, Personal Representative, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



Dona J. Miller
Notary Public - TEXAS
My Commission Expires on 10/16/04

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



RECEIVED

MAR 10 2005

DEPARTMENT OF
WATER RESOURCES

POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



Agent for:

First American Title Insurance Company

CUSTER COUNTY TITLE, INC.
8th & Main
P.O. Box 370
Challis, ID 83226
(208) 879-4424
Fax: (208) 879-5249

First American Title Insurance Company

BY

Parker S. Kennedy

PRESIDENT

ATTEST

Mark R. Arnesen

SECRETARY

COUNTERSIGNED BY:

Ruby M. Smith

J

988977

2. **CONTINUATION OF INSURANCE AFTER
CONVEYANCE OF TITLE.**

expenses incurred by the insured claimant, which were
authorized by the Company, up to the time of payment or
tender of payment and which the Company is obligated to
pay.

OR SETTLEMENT.

(a) **The Company's Right of Subrogation.**
Whereas the Company shall have settled and paid a

SCHEDULE A

Order No. 10541.1

Policy No. J 988977

Amount of Insurance: \$205,000.00

Premium \$920.00

Date of Policy: December 20, 2001 3:00 P.M.

1. Name of Insured:

TROY ZIEGLER AND MAURENE ZIEGLER, husband and wife

2. The estate or interest in the land which is covered by this policy is:

A FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

TROY ZIEGLER AND MAURENE ZIEGLER, husband and wife

4. The land referred to in this policy is described as follows:

See attached Schedule C

SCHEDULE B

Order No. 10541.1

Policy No. J 988977

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water whether or not the matters excepted under (a), (b), or © are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 2001, of which the whole year is paid in full.
8. Any claim arising from the difference in the mean high water line of the Salmon River and the meander line as shown by the Government Survey.
9. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of land covered by water.
10. Any adverse claim based on the assertion that the location of the Salmon River has moved.

SCHEDULE B - Continued

Order No. 10541.1

Policy No. J 988977

11. A portion of this property appears to have been acquired by accretion or avulsion in the changes of the mean high water line of the Salmon River. This policy is issued and accepted upon the assumption that title to the alluvion follows that of the abutting property and liability thereon is excepted.
12. The title to a portion of this land may have been lost due to changes in the mean high water line of the Salmon River. This commitment is subject to any claim or loss arising from the mean high water line not being coincidental with the Original Government Survey.
13. Special covenants and right-of-way as shown in the Deed dated January 25, 1936, from George A. Ellis, Jr. to the State of Idaho, recorded February 14, 1936 in Book 22 of Deeds at page 647, under recorder's reception number 42967, records of Custer County, Idaho.
14. County Road Easement as shown in Agreement dated October 10, 1955, by and between Custer County, by County Commissioners, and Edward R. Gabert, recorded September 26, 1957, in Book 5 of Bonds and Agreements, at page 169 under Recorder's reception number 110901, records of Custer County, Idaho.
15. Irrigation Contract dated May 24, 1984, by and between Salmon River Electric Cooperative, Inc. And Worth Boggeman, recorded December 9, 1985, as instrument No. 175756, records of Custer County, Idaho.
16. The right, title and interest of Sydney M. Dowton, Jr. and Karen A. Dowton, as Grantees in the Deed dated February 26, 1981, recorded March 1, 2000, as instrument No. 220594, records of Custer County, Idaho. RE: Tract I
17. Deed of Trust dated December 13, 2001, executed by Troy R. Ziegler and Maurene S. Ziegler, husband and wife, to Custer County Title, Inc., Trustee for MERS, a separate corporation that is acting solely as a nominee for America's Wholesale Lender, Beneficiary, securing the payment of \$184,500.00 and interest, recorded December 20, 2001, as instrument No. 224084, records of Custer County, Idaho. RE: Tract II

SCHEDULE C

Order No. 10541.1

Policy No. J 988977

The land referred to in this policy is situated in the State of Idaho, County of Custer and is described as follows:

TRACT I:

TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 25: A fraction of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows:

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: South 78°30' East, 372.0 feet; thence South 60°39' East, 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.

AND

TRACT II:

A tract of land being portions of Lot 6 and Lot 8, Section 26, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, located between U.S. Highway 93 and the Salmon River, more particularly described as follows:

Beginning at the southwest corner of said Section 26 and running thence North 89°41'27" East, 2467.96 feet along the south line of Section 26 to a point on the northwesterly right-of-way line of U.S. Highway 93; thence North 48°25'00" East, 52.18 feet along said right-of-way line to a point which is 40.0 feet left of centerline Station 896+46.3; thence North 89°58'26" West, 89.43 feet along said right-of-way line to a point which is 99.39 feet left of centerline Station 895+79.4; thence North 48°25'00" East, 121.44 feet along said right-of-way line to the TRUE POINT OF BEGINNING for this description; thence North 61°27'47" West, 994.99 feet along a historical property division fence line between Boggeman property and the Dowton property; thence North 32°53'39" West, 109.83 feet along said fence line to a point on the 2001 Meander Line of the Salmon River; thence North 81°49'51" East, 432.49 feet along said 2001 Meander Line; thence South 83°01'18" East, 108.58 feet along said 2001 Meander Line; thence South 72°41'06" East, 55.28 feet along said 2001 Meander Line; thence North 89°00'28" East, 292.82 feet along said 2001 Meander Line; thence North 79°02'39" East, 310.44 feet along said 2001 Meander Line; thence North 48°13'26" East, 79.80 feet along said 2001 Meander Line to a point on the 1892 Meander Line of the Salmon River; thence North 00°43'05" East,

SCHEDULE C - Continued

Order No. 10541.1

Policy No. J 988977

165.00 feet along said 1892 Meander Line; thence North 57°28'05" East, 617.04 feet along said 1892 Meander Line to a point on the north line of said Lot 6 (north line of the south half of the SE¼ of Section 26);

thence North 89°35'17" East, 183.50 feet along said north line of Lot 6 to the B.L.M. Special Meander Corner Monument;

thence North 89°35'17" East, 444.32 feet along said north line of Lot 6 to a point on the northwesterly right-of-way line of U.S. Highway 93;

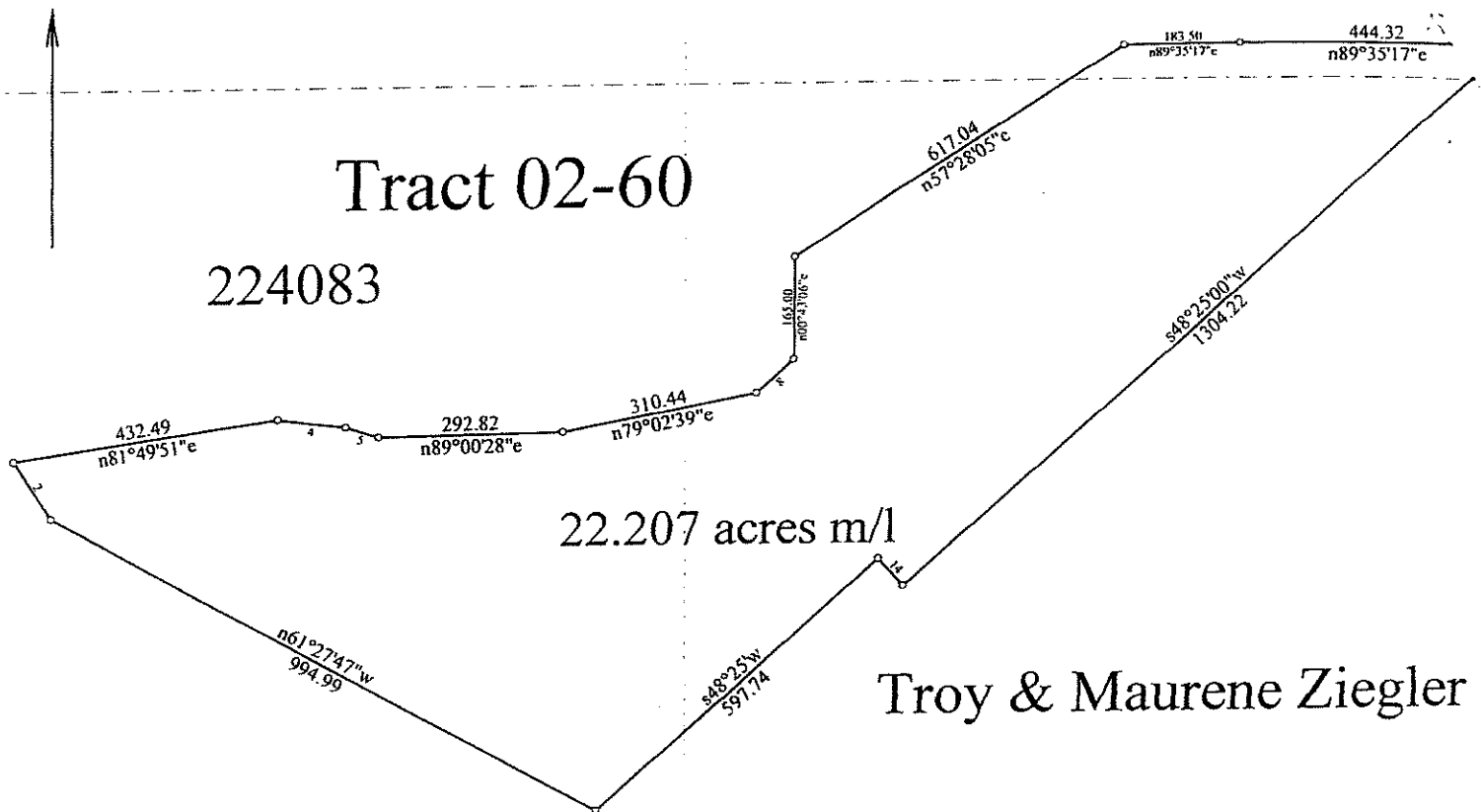
thence South 48°25'00" West, 1304.22 feet along said right-of-way line to a point which is 40.0 feet left of centerline Station 902+98.6;

thence North 41°35'00" West, 59.39 feet along said right-of-way;

thence South 48°25'00" West, 597.74 feet along said right-of-way line to the TRUE POINT OF BEGINNING.

RECEIVED

MAR 10 2005

DEPARTMENT OF
WATER RESOURCES

Title:		Date: 12-28-2001
Scale: 1 inch = 303 feet	File: T02-60.DES	
Tract 1: 22.207 Acres: 89869.2 Sq Meters: No significant closure error. : Perimeter = 5755 feet		
001=sw,sw,sw,26,16n,20e	008=n81.4951e 432.49	015=n57.2805e 617.04
002=/n89.4127e 2467.96	009=s83.0118e 108.58	016=n89.3517e 183.50
003=/n48.25e 52.18	010=s72.4106e 55.28	017=n89.3517e 444.32
004=/n89.5826w 89.43	011=n89.0028e 292.82	018=s48.2500w 1304.22
005=/n48.25e 121.44	012=n79.0239e 310.44	019=n41.35w 59.39
006=n61.2747w 994.99	013=n48.1326e 79.80	020=s48.25w 597.74
007=n32.5339w 109.83	014=n00.4306e 165.00	

