

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page. ^{Department of Water Resources}
Incomplete forms will be returned.

1. Water Right No(s): 85-2159

Adjudication Claim No(s): _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Mabel M. Kirkendall and Joseph A. Kirkendall
Ac 67 Box 63 Grangeville Id 83530

4. New Owner/Claimant(s)

HARRY R. STROM

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

591 Highway 14

City, State and ZIP Code

Grangeville Id 83530

New Telephone Number

(208) 983-1212

5. Date you acquired the property

Nov. 22 2005

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 6 Number and type of stock _____

Diversion rate in CFS 120 Number of homes _____ Other uses _____

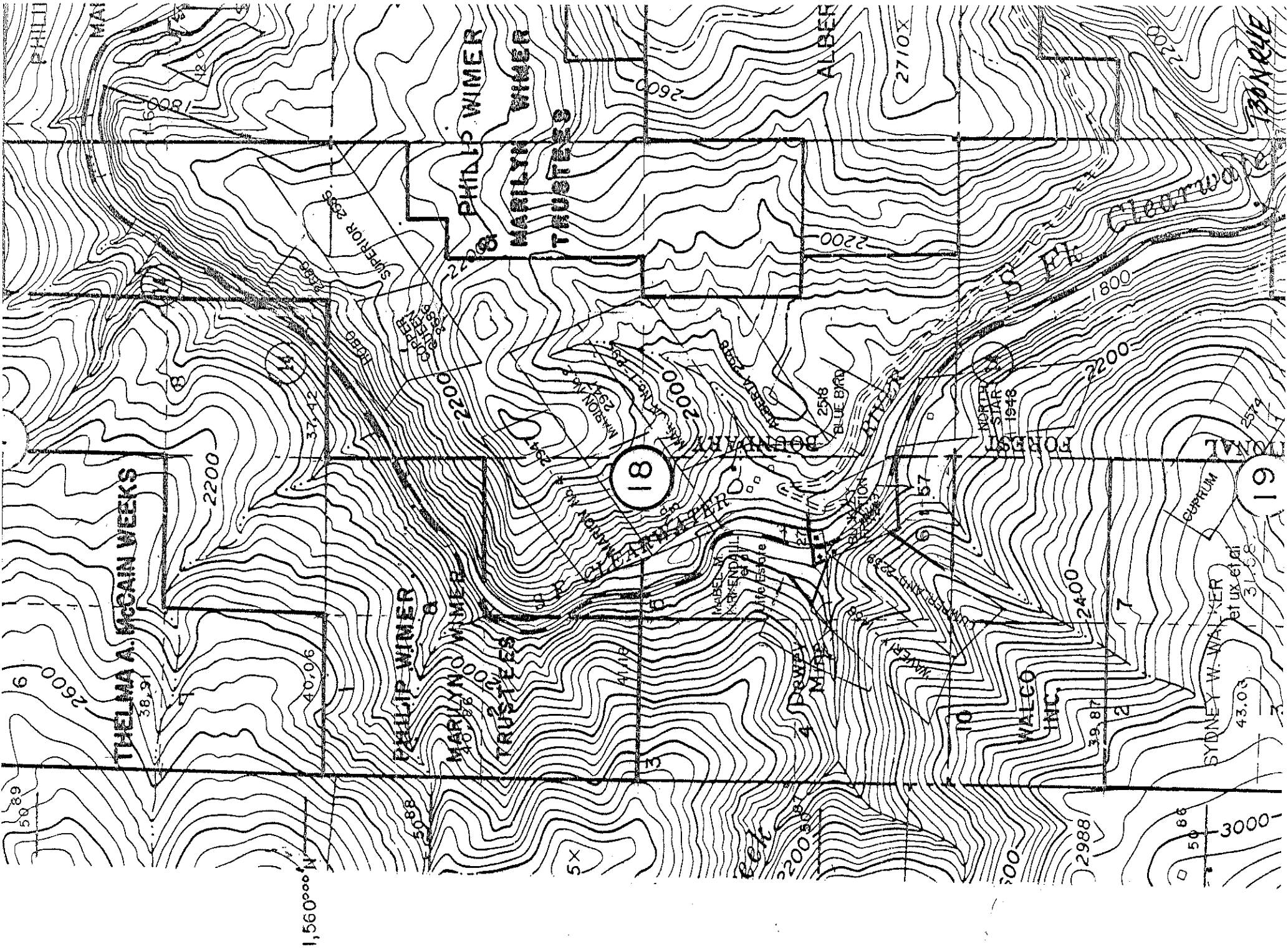
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Harry Strom

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



COPY

438818

WARRANTY DEED

THIS INDENTURE, made on this 12th day of November, 2004, by and between

MABLE KIRKENDALL, correctly known as MABEL M. KIRKENDALL, acting through JOSEPH A. KIRKENDALL her attorney in fact pursuant to a Durable Power of Attorney recorded as Idaho County Instrument #362513 records of Idaho County, Idaho, joined by JOSEPH KIRKENDALL, also known as JOSEPH A. KIRKENDALL, in his individual capacity, of HCR 67 Box 63, Grangeville, ID 83530, hereinafter referred to as Grantors, to HARRY R. STROM, an unmarried person, of ~~25025 N. Naples St., Paulden, AZ 86324~~, hereinafter referred to as Grantee.

HCR 67 Box 63 Grangeville ID, 83530

WITNESSETH:

That the said Grantors, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations, to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said Grantee, his heirs and assigns, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, which is attached hereto and hereby incorporated by this reference, which includes Parcel I and Parcel II in two pages.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the 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 Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, his heirs and assigns forever.

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantee, his heirs and assigns that at the time of the ensembling and delivery of these presents it was well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, EXCEPT:

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

WARRANTY DEED

- 1 -

STATE of IDAHO County of Idaho Recorded by	IDAHO COUNTY TITLE CO.
at	4:30P.m. on 11-23-04
By	ROSE E. GEHRING Recorder
Fees \$	16.00 Duty

- b) Lien for any taxes deferred by virtue of the designation of the insured premises or any portion thereof as forest lands as provided in Section 63-1701 et seq, Idaho Code.
- c) Right-of-Way Deed for Wagon Road, including the terms and conditions thereof, by and between A.A. KINCAID and COUNTY OF IDAHO, recorded February 8, 1921, under Instrument No. 63471, Book 47 page 50, records of Idaho County, Idaho.
- d) Reservations, including but not limited to the surface rights for agriculture purposes reserved to BERT B. BAKER, in Quitclaim Deed, recorded May 27, 1944, under Instrument No. 144969, Book 21 page 149; and quitclaimed to R.R. DUFUR by Quitclaim Deed, recorded March 21, 1950, under Instrument No. 166043, Book 21 page 465; and quitclaimed to E.D. AUER and E. LUCILLE AUER, husband and wife, and H.A. HERON and LILLIAN A. HERON, husband and wife by Quitclaim Deed, recorded November 19, 1976, under Instrument No. 265846; and reiterated in Decree and Judgment, recorded May 16, 1985, under Instrument No. 319859; all records of Idaho County, Idaho.
- e) Easement for Bridge and Right of Way, including the terms and conditions thereof, by and between MABEL D. KINCAID, a widow and R.R. DUFUR, recorded August 26, 1948, under Instrument No. 160934; interest was quitclaimed by Quitclaim Deed to E.D. AUER and E. LUCILLE AUER, husband and wife and H.A. HERON and LILLIAN A. HERON, husband and wife, recorded November 19, 1976, under Instrument No. 265846; all records of Idaho County, Idaho.
- f) Right-of-Way Deed, including the terms and conditions thereof, by and between RALPH R. DUFUR and L. FAY DUFUR, husband and wife and UNITED STATES OF AMERICA, recorded November 19, 1956, under Instrument No. 189565, Book 90 page 269; and corrected by Correction Right-of-Way Deed, recorded May 21, 1957, under Instrument No. 190915, Book 90 page 604; all records of Idaho County, Idaho.
- g) Right of Way Deed, including the terms and conditions thereof, by and between MRS. MABEL D. KINCAID, a widow and UNITED STATES OF AMERICA, recorded November 21, 1956, under Instrument No. 189597, Book 90 page 278, records of Idaho County, Idaho.
- h) Terms and conditions in Warranty Deed, by and between MABEL KINCAID, a widow and STATE OF IDAHO, recorded June 24, 1965, under Instrument No. 220021, Book 23 page 209, records of Idaho County, Idaho.
- i) Subject to the rights of owners of adjoining properties, claims, or locations, to follow any lode or vein within the side or end lines of the premises in question, including but not limited to extralateral rights; and subject to any loss incurred by the owners herein to damages for all losses suffered incident to the exercise or assertion of such right.
- j) Subject to any loss incurred by owners from the lack of rights of owners to follow any lode or vein beyond the line of the premises in question, including but not limited to extralateral rights.
- k) ~~First refusal option in Decree and Judgment as to that portion of the Buckley Fraction Mining Claim lying on the East side of the South Fork Clearwater River, recorded May 16, 1985, under Instrument No. 319859, records of Idaho County, Idaho. N.S.~~
T.K.
- l) Terms and conditions in Decree and Judgment, by and between MABEL M. KIRKENDALL and JOSEPH A. KIRKENDALL, Plaintiffs vs. MERCHANTS NATIONAL BANK OF THE CITY OF PORTLAND, and the last board of trustees and directors, et al., Defendants, recorded May 16, 1985, under Instrument No. 319859, records of Idaho County, Idaho.
- m) Rights and easements in favor of the public for recreational uses of the South Fork of the Clearwater River.

- n) Rights and easements in favor of the public for recreational uses of the Mill Creek.
- o) Any adverse claims based on the assertion that the location of the South Fork of the Clearwater River has moved subsequent to its adoption as a title boundary.
- p) Any adverse claims based on the assertion that the location of the Mill Creek has moved subsequent to its adoption as a title boundary.
- q) Right, title and interest of ALBERN L. SPOOLSTRA by reason of tax rolls as to agricultural rights on that portion of the Buckley Fraction Mining Claim lying on the East side of the South Fork Clearwater River.
- r) Matters as shown on Survey No. S-919, recorded May 26, 1994, under Instrument No. 374507, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantee, his heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That this deed is given by Grantors to Grantee not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantee to Grantors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

Mabel M. Kirkendall
MABEL M. KIRKENDALL,
By Joseph A. Kirkendall,
Attorney in Fact

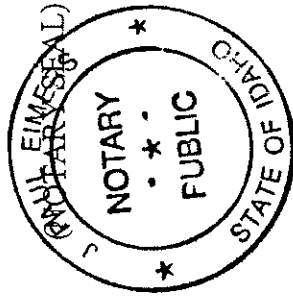
Joseph Kirkendall
JOSEPH KIRKENDALL
a/k/a JOSEPH A. KIRKENDALL,
Attorney in Fact

Joseph A. Kirkendall
JOSEPH A. KIRKENDALL

STATE OF IDAHO)
 ss
County of Idaho)

On this 12th day of November, 2004, before me, a Notary for said County and State, personally appeared JOSEPH A. KIRKENDALL, known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Mabel M. Kirkendall, and acknowledged to me that he subscribed the name of Mabel M. Kirkendall thereto as principal, and his own name as attorney in fact.

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

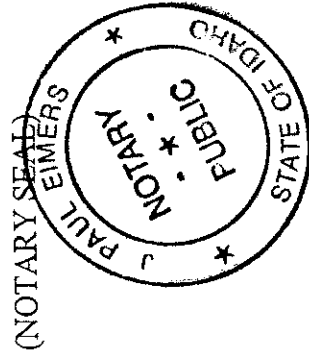


[Signature]
Notary Public for the State of Idaho,
Residing at Coeur d'Alene, therein.
My commission expires 6-24-2005

STATE OF IDAHO)
 ss
County of Idaho)

On this 12th day of November, 2004, before me a Notary Public in and for said County and State, personally appeared JOSEPH KIRKENDALL, also known as JOSEPH A. KIRKENDALL, known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he executed the same.

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



[Signature]
Notary Public for the State of Idaho,
Residing at Coeur d'Alene, therein.
My commission expires 6-24-2005

SCHEDULE C

Parcel I:

The Admiral Dewey, Waverly, St. Patrick and Dewey Fraction lode mining claims designated by the Surveyor General as Survey No. 1458, embracing a portion of Sections 18 and 19 in Township 30 North, Range 4 East, Boise Meridian, Idaho County, Idaho in the District of lands, as described in Mineral Patent, recorded under Instrument No. 6963, Book 1 page 146, records of Idaho County, Idaho.

The Cumberland Group consisting of the Cumberland and Buckley Fraction lode mining claims, designated by the Surveyor General as Survey No. 2239 embracing a portion of Sections 18 and 19 in Township 30 North, Range 4 East, Boise Meridian, Idaho County, Idaho in Clearwater, unorganized Mining District in the County of Idaho, and State of Idaho, in the District of Lands, as described in Mineral Patent, recorded under Instrument No. 8858, Book 1 page 170, records of Idaho County, Idaho.

LESS:

State Highway Right of Way as described in Right of Way Deed, recorded December 23, 1933, under Instrument No. 103124, Book 61 page 248, records of Idaho County, Idaho.

ALSO LESS:

State Highway No. 14, Project No. ERFO 55(3) Highway Survey as described in Warranty Deed, recorded June 24, 1965, under Instrument No. 220021, Book 23 page 209.

ALSO LESS:

A parcel of land situated in the Buckley Fraction lode mining claim and in Government Lot 5, Section 18, Township 30 North, Range 4 East, Boise Meridian, Idaho County, Idaho, being identical with that land described in Idaho County Book of Deeds 91 page 106, and more particularly described as follows:

Beginning at the intersection of the Easterly line of State Highway 14 and the centerline of Mill Creek, from which point the South $\frac{1}{4}$ corner of said Section 18 bears S 33°12' E, 1311 feet;
thence N 89°11' E, 82 feet along the center line of said Mill Creek to the Mean High water line of the South Fork of the Clearwater River;
thence N 11°30' E, 346 feet along said High water line;
thence N 89°22' W, 83 feet to said Easterly Highway line, from which point an old fence corner post bears West 10 feet;
thence along the arc of a curve left with radius of 1200 feet following said Easterly Highway line, the chord of which bears S 11°16' W, 348 feet to the place of beginning.
Sometimes known as Assessors Tax No. 27.

continued...

SCHEDULE C - continued

Parcel II:

Township 30 North, Range 4 East, Boise Meridian, Idaho County, Idaho
Section 18: That portion of Government Lot 5 lying and being West
of the Western boundary of the South Fork of the
Clearwater River.

LESS:

State Highway Right of Way as described in Right of Way Deed, recorded
December 23, 1933, under Instrument No. 103124, Book 61 page 248,
records of Idaho County, Idaho.

ALSO LESS:

State Highway No. 14, Project No. ERFO 55(3) Highway Survey as
described in Warranty Deed, recorded June 24, 1965, under Instrument
No. 220021, Book 23 page 209, records of Idaho County, Idaho.

ALSO LESS:

A parcel of land situated in the Buckley Fraction lode mining claim
and in Government Lot 5, Section 18, Township 30 North, Range 4 East,
Boise Meridian, Idaho County, Idaho, being identical with that land
described in Idaho County Book of Deeds 91 page 106, and more
particularly described as follows:

Beginning at the intersection of the Easterly line of State Highway 14
and the centerline of Mill Creek, from which point the South $\frac{1}{4}$ corner
of said Section 18 bears S 33°12' E, 1311 feet;
thence N 89°11' E, 82 feet along the center line of said Mill Creek to
the Mean High water line of the South Fork of the Clearwater River;
thence N 11°30' E, 346 feet along said High water line;
thence N 89°22' W, 83 feet to said Easterly Highway line, from which
point an old fence corner post bears West 10 feet;
thence along the arc of a curve left with radius of 1200 feet
following said Easterly Highway line, the chord of which bears S
11°16' W, 348 feet to the place of beginning.
Sometimes known as Assessors Tax No. 27.