

RECEIVED

JUN 03 2005

DEPARTMENT OF
WATER RESOURCES

Form 42-2069-24 (8/2003) July 2004

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
	A73-00092A			A73-4007A	
	A73-00098			A73-12030	
	A73-00099			A73-12032	
	A73-00100			A75-02067	
	A73-02157				

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) Duane E. Moen
17984A U.S. Highway #85, Lusk, WY 82225
4. New Owner/Claimant(s) The Nature Conservancy
Name Connector (Check one): ☐ [and] ☐ [or] ☐ [and/or]
New Mailing Address 116 1st Avenue North, Hailey, Idaho 83333 &
City, State and ZIP Code 2424 Spruce St., Boulder, CO 80302
New Telephone Number 208) 788.8988/303.541.0335
5. Date you acquired the property December 2, 2004

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)

Louis C. Luntz Jr.
Acting Director Idaho Chapter of TNC

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

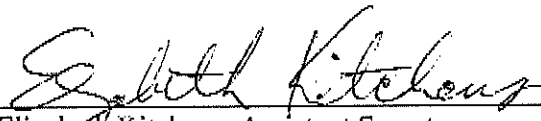
Received by MC Date 6-3-05 Fee \$ 25.00/xx
 Receipted by MC Date 6-3-05 Receipt No. CD78152
 Processed by _____ AJ Date _____ WR _____ Date _____

CERTIFICATION OF CORPORATE ACTION

The undersigned hereby certifies that The Nature Conservancy:

1. Is duly organized, validly existing and in good standing under the laws of the District of Columbia;
2. Is qualified to transact business in the State of Idaho;
3. Has taken the requisite corporate action to authorize Lou Lunte, Acting Director of the Idaho Chapter, to execute and deliver all required documents to effect transfer of the Moen property, including water rights, from Duane Moen to The Nature Conservancy.

Executed this 2nd day of June, 2005


Elizabeth Kitchens, Assistant Secretary

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

The Nature Conservancy
Legal Department
217 Pine St., #1100
Seattle, WA 98101

230416
Custer County Req. of
First American Title
Time 9:14 A M Date 6/2 2004
Ethel M. Peck, Clerk
Una Baker \$18.00
Deputy

(Space above line for Recorder's use)

WARRANTY DEED
Upper Salmon (Moen) ID

FOR VALUE RECEIVED, E. Duane Moen, also known as Duane E. Moen, an unmarried man ("Grantor"), does hereby grant, bargain, sell, convey, and warrant as set forth below to THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation ("Grantee"), whose address is 4245 N. Fairfax Dr., Arlington VA 22203, that certain real property located in Lemhi and Custer Counties, Idaho, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"),

TO HAVE AND TO HOLD the Property with all appurtenances to the Grantee and Grantee's successors and assigns forever;

SUBJECT ONLY TO real property taxes for the year 2004 and thereafter, and those title exceptions listed on Exhibit B attached hereto and incorporated herein by reference; and as to the mineral estate, subject to all mineral reservations of record.

WITH WARRANTIES AS FOLLOWS:

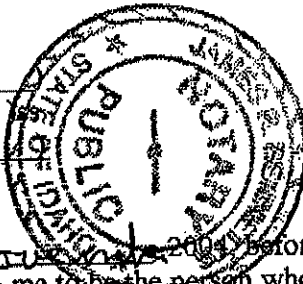
As to water rights, Grantor warrants title only as against the acts of Grantor and those claiming by, through or under Grantor and none other; subject to the matters set forth on Exhibit B.

As to all right, title and interest in the Property other than water rights, Grantor warrants and covenants to and with Grantee that the Grantor is lawfully seized in fee simple of the Property and has a good and lawful right and power to sell and convey the same, that the same are free and clear of all encumbrances, except as stated above, and that the Grantor will forever warrant and defend the title thereto and quiet possession and enjoyment thereof against the lawful claims and demands of all persons whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument on this 17th
day of November, 2004.

GRANTOR:

E. Duane Moen
E. DUANE MOEN

STATE OF IdahoCOUNTY OF Custer

On this 12th day of November, 2004, before me personally appeared E. Duane Moen, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

James R. Bennett
Notary PublicAddress: Box 86 Challis, IdaMy commission expires: 1-17-05

**EXHIBIT A
TO WARRANTY DEED
Upper Salmon (Moen)**

THE PROPERTY

REAL PROPERTY:

All of the property situated in the State of Idaho, Counties of Custer and Lemhi, described as follows:

CUSTER COUNTY

TOWNSHIP 15 NORTH, RANGE 21 E.B.M., CUSTER COUNTY, IDAHO

SECTION 21: S $\frac{1}{2}$ NE $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

SECTION 22: SW $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER

SECTION 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER

SECTION 28: NE $\frac{1}{4}$ NE $\frac{1}{4}$

LEMHI COUNTY

PARCEL NO. 1

TOWNSHIP 17 NORTH, RANGE 20 E.B.M., LEMHI COUNTY, IDAHO

SECTION 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 27: NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

SECTION 34: N $\frac{1}{2}$ NE $\frac{1}{4}$

SECTION 35: N $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL NO. 2

TOWNSHIP 15 NORTH, RANGE 21 E.B.M., LEMHI COUNTY, IDAHO

SECTION 16: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ EXCEPTING THEREFROM THAT PART OF THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ MORE FULLY DESCRIBED AS FOLLOWS: THAT PARCEL OF LAND 32.0 FEET IN WIDTH, BEING 16.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE LOCATED IN SW $\frac{1}{4}$ SE $\frac{1}{4}$, AS MORE FULLY DESCRIBED AS: BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, TOWNSHIP 15 NORTH, RANGE 21 E.B.M. SAID POINT BEING EASTERLY 16.0 FEET FROM THE SOUTHWEST CORNER OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, THENCE N 0°02' W, AND PARALLEL TO THE WEST BOUNDARY OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, A DISTANCE OF 822.9 FEET;

35414

THENCE N 45°42' E 276.0 FEET; THENCE S 42°05' E 1367.6 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE SW¼SE¼ SECTION 16, AND WESTERLY 190.3 FEET FROM THE SOUTHEAST CORNER OF SW¼SE¼ SECTION 16, SUBJECT TO STATE OF IDAHO EASEMENT NO. 1013 TO LEMHI COUNTY FOR MATERIALS SITE, AND NO 1021 TO LEMHI COUNTY FOR A HIGHWAY.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND 32 FEET IN WIDTH, BEING 16 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE ACROSS A PORTION OF THE NW¼NE¼, SECTION 21, AND THE SW¼SE¼, SECTION 16, TOWNSHIP 15 NORTH, RANGE 21 E.B.M.; BEGINNING AT A POINT ON THE WEST BOUNDARY OF THE NW¼NE¼ SECTION 21, 110 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID NW¼NE¼ SECTION 21; RUNNING THENCE N 51°03' E 20.6 FEET; THENCE N 0°02' W 920.1 FEET; THENCE N 45°42' E 276 FEET; THENCE S 42°05' E 1608 FEET, MORE OR LESS TO A POINT ON THE WESTERLY SIDE OF THE EXISTING LEMHI COUNTY, ROAD.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN THE NE¼NE¼ OF SECTION 16, TOWNSHIP 15 NORTH, RANGE 21 E.B.M., LEMHI COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID SECTION 16 FROM WHICH THE E¼ CORNER OF SECTION 16 BEARS S 00°03'02" E, 2647.46 FEET THE BASIS BEARING OF THIS DESCRIPTION RUN THENCE S 00°03'02" E, ALONG THE EASTERLY BOUNDARY OF SAID SECTION 16 A DISTANCE OF 628.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE PAHSIMEROI ROAD; THENCE N 61°09'08" W, ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1011.79 FEET; THENCE 367.54 FEET ALONG A CURVE TO THE LEFT HEAVING A DELTA ANGLE OF 14°12'21", A RADIUS OF 1482.40 FEET AND A LONG CHORD BEARING N 68°15'18" W, 366.60 FEET TO POINT ON THE NORTHERLY BOUNDARY OF SAID SECTION 16; THENCE N 89°47'00" E, ALONG THE NORTHERLY BOUNDARY OF SAID SECTION 16 A DISTANCE OF 1226.20 FEET TO THE POINT OF BEGINNING.

SECTION 21: THAT PORTION OF THE NE¼ LYING AND BEING IN LEMHI COUNTY, IDAHO.

SECTION 22: THAT PORTION OF THE W¼NW¼, SW¼, LYING AND BEING IN LEMHI COUNTY, IDAHO

SECTION 27: NE¼NW¼ LYING AND BEING IN LEMHI COUNTY, IDAHO

WATER RIGHTS:

All water rights appurtenant to the above described real property including, but not limited to, the following rights:

73-92A (split between the Property and lands Seller is retaining)

73-98 (split between the Property and lands Seller is retaining)

73-99A

73-99B

73-100

73-2157

73-12030

73-12032

75-2067

EXHIBIT B
TO WARRANTY DEED
Upper Salmon (Moen)

EXCEPTIONS TO TITLE

Access by third parties to ditches, canals, waterways, diversions, headgates, weirs, fish screens, and other diversion-related improvements for maintenance, inspection, and other purposes.

Access by the public over and across public roads through the Property, including but not limited to the Little Hat Creek Road and Dowton Lane.

CUSTER COUNTY

8. Reservations in United States Patent, recorded as Instrument No. 134573.
9. Irrigation Contract upon the terms, conditions and provisions contained therein:
Parties: Salmon River Electric Cooperative, Inc. and Duane Moen Recorded: May 21, 1990,
Instrument No. 195243
10. Irrigation Contract upon the terms, conditions and provisions contained therein:
Parties: Salmon River Electric Cooperative, Inc. and Duane Moen Recorded: June 16, 1993,
Instrument No. 204184
11. Easement granted to Salmon River Electric Cooperative, Inc., recorded May 10, 2000
as Instrument No. 220964.
12. Memorandum of Agreement upon the terms, conditions and provisions contained therein:
Parties: Jimmie L. and Maria E. Dowton and Salmon River Electric Cooperative, Inc. Recorded:
May 10, 2000, Instrument No. 220965

LEMHI COUNTY

15. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho for the use and benefit of the Department of Fish and Game recorded April 27, 1966 as Instrument No. 104316. (Parcel No. 1)
16. Easement for Stockwater pipeline granted to The United States of America, Department of the Interior, Bureau of Land Management, recorded July 3, 1984 , Instrument No. 172256. (Parcel No. 1)
17. Memorandum of Understanding Agreement the terms, conditions and provisions contained therein: Parties: Duane Moen and Sydney M. Dowton, Jr. Recorded: December 9, 1992, Instrument No. 217184.
18. Any claim arising from the difference in the mean high water line of the Pahsimeroi River and the meander line as shown by the Original Government Survey. (Parcel No. 2)

19. Right, title and interest of the State of Idaho within the natural bed of the Pahsimeroi River below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line. (Parcel No. 2)

20. Covenants, conditions, restrictions and easements contained in deed to Lemhi County recorded May 7, 1951, Book 43 at page 132. (Parcel No. 2)

21. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: J. F. Robson, Grantor and State of Idaho for the use and benefit of the Department of Fish and Game, Grantee, Recorded: October 21, 1960, Book E of Agreements at pages 394 & 395. (Parcel No. 2)

22. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: J.F. Robson, a single man, V.A. Coiner and Laura Coiner, husband and wife, Ernest Powers and Helen E. Powers, husband and wife and The State of Idaho for use and benefit of the Department of Fish and Game, Recorded: October 21, 1960, Book E of Agreements at pages 401 & 402. (Parcel No. 2)

23. Easement for the purposes of a Material Site granted to The State of Idaho, recorded July 9, 1947 Book D of Agreements at pages 14 (Parcel No. 2)

24. Covenants, conditions, restrictions and easements contained in an Easement to Lemhi County recorded May 8, 1951, Book D of Agreements at page No. 244. (Parcel No. 2)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

The Nature Conservancy
Legal Department
217 Pine St., #1100
Seattle, WA 98101

State of Idaho) **261060**
County of Lemhi) SS No. _____
This instrument was filed for record at the request
of Lemhi Title
at 9:20 o'clock A.M. 2 June 2004
and duly filed and indexed in the records of Lemhi
County Terr J. Morton
Ex-Officio Recorder
By CBaumert Deputy
Fee 18.00
Return to _____

(Space above line for Recorder's use)

WARRANTY DEED
Upper Salmon (Moen) ID

FOR VALUE RECEIVED, E. Duane Moen, also known as Duane E. Moen, an unmarried man ("Grantor"), does hereby grant, bargain, sell, convey, and warrant as set forth below to THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation ("Grantee"), whose address is 4245 N. Fairfax Dr., Arlington VA 22203, that certain real property located in Lemhi and Custer Counties, Idaho, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"),

TO HAVE AND TO HOLD the Property with all appurtenances to the Grantee and Grantee's successors and assigns forever;

SUBJECT ONLY TO real property taxes for the year 2004 and thereafter, and those title exceptions listed on Exhibit B attached hereto and incorporated herein by reference; and as to the mineral estate, subject to all mineral reservations of record.

WITH WARRANTIES AS FOLLOWS:

As to water rights, Grantor warrants title only as against the acts of Grantor and those claiming by, through or under Grantor and none other, subject to the matters set forth on Exhibit B.

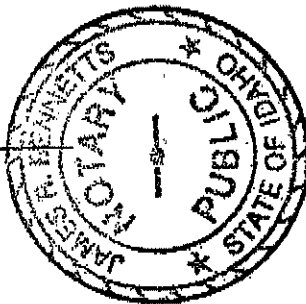
As to all right, title and interest in the Property other than water rights, Grantor warrants and covenants to and with Grantee that the Grantor is lawfully seized in fee simple of the Property and has a good and lawful right and power to sell and convey the same, that the same are free and clear of all encumbrances, except as stated above, and that the Grantor will forever warrant and defend the title thereto and quiet possession and enjoyment thereof against the lawful claims and demands of all persons whatsoever.

261060

IN WITNESS WHEREOF, Grantor has executed this instrument on this 12th
day of November, 2004.

GRANTOR:

E Duane Moen
E. DUANE MOEN



STATE OF Idaho)
)ss.
COUNTY OF Custer)

On this 12th day of November, 2004, before me personally appeared E. Duane Moen, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

James W. Bennett

Notary Public

Address: Challis, Id.My commission expires: 1/13/05

261060

**EXHIBIT A
TO WARRANTY DEED
Upper Salmon (Moen)**

THE PROPERTY

REAL PROPERTY:

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described as follows:

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SECTION 21: S½NE¼ LYING SOUTH OF THE PAHSIMEROI RIVER; E½SW¼; SE¼

SECTION 22: SW¼ LYING SOUTH OF THE PAHSIMEROI RIVER

SECTION 27: NW¼NW¼; NE¼NW¼ LYING SOUTH OF THE PAHSIMEROI RIVER

SECTION 28: NE¼NE¼

LEMHI COUNTY

PARCEL NO. 1

TOWNSHIP 17 NORTH, RANGE 20 E.B.M., LEMHI COUNTY, IDAHO

**SECTION 26: SE¼NE¼, N½SE¼, SE¼SW¼, S½SE¼, S½NW¼, SW¼NE¼,
N½SW¼, SW¼SW¼**

SECTION 27: NE¼SE¼, S½SE¼

SECTION 34: N½NE¼

SECTION 35: N½NW¼

PARCEL NO. 2

TOWNSHIP 15 NORTH, RANGE 21 E.B.M., LEMHI COUNTY, IDAHO

**SECTION 16: NE¼NE¼, S½NE¼, SE¼ EXCEPTING THEREFROM THAT PART OF THE
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CENTERLINE LOCATED IN SW¼SE¼, AS MORE FULLY DESCRIBED AS: BEGINNING AT
A POINT ON THE SOUTHERLY BOUNDARY OF SW¼SE¼ SECTION 16, TOWNSHIP 15
NORTH, RANGE 21 E.B.M. SAID POINT BEING EASTERLY 16.0 FEET FROM THE
SOUTHWEST CORNER OF SW¼SE¼ SECTION 16, THENCE N 0°02' W, AND PARALLEL
TO THE WEST BOUNDARY OF SW¼SE¼ SECTION 16, A DISTANCE OF 822.9 FEET;**

261060

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75-2067

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EXHIBIT B
TO WARRANTY DEED
Upper Salmon (Moen)

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Parties: Salmon River Electric Cooperative, Inc. and Duane Moen Recorded: May 21, 1990,
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10. Irrigation Contract upon the terms, conditions and provisions contained therein:
Parties: Salmon River Electric Cooperative, Inc. and Duane Moen Recorded: June 16, 1993,
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11. Easement granted to Salmon River Electric Cooperative, Inc., recorded May 10, 2000
as Instrument No. 220964.
12. Memorandum of Agreement upon the terms, conditions and provisions contained therein:
Parties: Jimmie L. and Maria E. Dowton and Salmon River Electric Cooperative, Inc. Recorded:
May 10, 2000, Instrument No. 220965

LEMHI COUNTY

15. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho for the use and benefit of the Department of Fish and Game recorded April 27, 1966 as Instrument No. 104316. (Parcel No. 1)
16. Easement for Stockwater pipeline granted to The United States of America, Department of the Interior, Bureau of Land Management, recorded July 3, 1984 , Instrument No. 172256. (Parcel No. 1)
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18. Any claim arising from the difference in the mean high water line of the Pahsimeroi River and the meander line as shown by the Original Government Survey. (Parcel No. 2)

261060

19. Right, title and interest of the State of Idaho within the natural bed of the Pahsimeroi River below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line. (Parcel No. 2)

20. Covenants, conditions, restrictions and easements contained in deed to Lemhi County recorded May 7, 1951 , Book 43 at page 132. (Parcel No. 2)

21. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: J. F. Robson, Grantor and State of Idaho for the use and benefit of the Department of Fish and Game, Grantee, Recorded: October 21, 1960 , Book E of Agreements at pages 394 & 395. (Parcel No. 2)

22. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: J.F. Robson, a single man, V.A. Coiner and Laura Coiner, husband and wife, Ernest Powers and Helen E. Powers, husband and wife and The State of Idaho for use and benefit of the Department of Fish and Game, Recorded: October 21, 1960 , Book E of Agreements at pages 401 & 402. (Parcel No. 2)

23. Easement for the purposes of a Material Site granted to The State of Idaho, recorded July 9, 1947 Book D of Agreements at pages 14 (Parcel No. 2)

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