

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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JUL 21 2005

DEPARTMENT OF
WATER RESOURCES

July 15, 2005

Steve Clelland
Idaho Department of Water Resources
322 E. Front St
PO Box 83720
Boise, Idaho 83720-0098

Re: Hawker Permit Application

Dear Steve:

Brockway Engineering is submitting a Change of Ownership form for water rights 37-90C and 37-1223, in behalf of the Buich 1995 Family Trust. The Buich 1995 Family Trust recently acquired the property associated with 37-90C and 37-1223 in June of 2005 (see attached warranty deed). The recommendations for these two rights have recently been sent to the past owners. However, Buich would like to refute these recommendations and will be submitting an analysis concerning these recommendations in the near future.

If you have any questions regarding the enclosed document, please feel free to give me a call.

Sincerely,

Daren T. Nelson.

Attachments: Warranty Deed

cc: Mike Buich

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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JUL 21 2005

DEPARTMENT OF
WATER RESOURCES

**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
<u>37-1223</u>	<u>37-1223</u>	☐	<u> </u>	<u> </u>	☐
<u>37-90C</u>	<u>37-90C</u>	☐	<u> </u>	<u> </u>	☐
<u> </u>	<u> </u>	☐	<u> </u>	<u> </u>	☐
<u> </u>	<u> </u>	☐	<u> </u>	<u> </u>	☐
<u> </u>	<u> </u>	☐	<u> </u>	<u> </u>	☐

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) 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 PROPERTY or SURVEY MAP.

- | | |
|--|--|
| 3. Name and Address of Former Owner/Claimant(s): | <u>Jo Ann A Levy & Lynn T Levy</u> |
| | <u>P.O. Box 46, Sun Valley, ID 83353</u> |
| 4. New Owner/Claimant(s): | <u>Buich 1995 Family Trust</u> |
| New Mailing Address: | <u>P.O. Box 1084</u> |
| City, State, Zip Code: | <u>Alamo, CA 94507-1084</u> |
| New Telephone Number: | <u>(925) 487-6880</u> |
| 5. Date you acquired the property: | <u>June 3, 2005</u> |

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 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>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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: _____		
<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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)

Chris E. Brubaker

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: _____



WARRANTY DEED

FOR VALUE RECEIVED

Lynn T. Levy and Jo Ann A. Levy, husband and wife, as to an undivided 1/3 interest, and Thomas P. Ziegler, Trustee of the Thomas P. Ziegler Trust dated May 11, 1992, as to an undivided 1/3 interest, and David Duval, a married man as his sole and separate property, as to an undivided 1/3 interest, as Tenants in Common

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto

Buich 1995 Family Trust, Michael L. Buich and Yvette Buich, as Trustees,

GRANTEE(S), whose current address is: PO Box 1084, Alamo, California 94507

the following described premises, to wit:

See "Exhibit A" attached hereto and incorporated herein by reference.

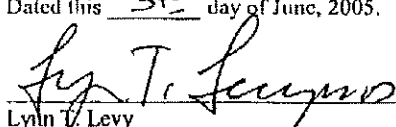
Parcel Number: 01S200362270A

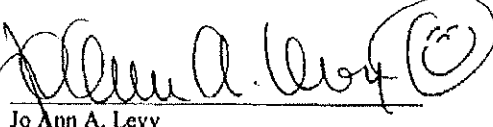
TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anyway appertaining to the property herein described, and the reversions, remainders, rents, issues and profits thereof; and

TOGETHER WITH all water rights and other entitlements to receive water for beneficial use on the described real property, including without limitation, all rights represented by any contract decree, license, permit, permit application, claim or storage entitlement, and those water rights identified in the records of the Idaho Department of Water Resources for beneficial use on the described real property (including without limitation 37-1223 and 37-90C), and all ditches, ditch rights, easements and rights-of-way associated with the delivery of such water rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 31st day of June, 2005.


Lynn T. Levy


Jo Ann A. Levy


Thomas P. Ziegler Trust
Thomas P. Ziegler, Trustee


David Duval *His AIF*

STATE OF Idaho)
) ss.
COUNTY OF Blaine)

On this 2nd day of June, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared Lynn T. Levy and Jo Ann A. Levy known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

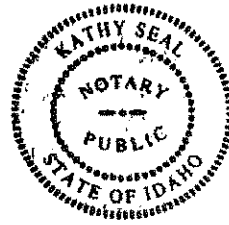
WITNESS MY HAND AND OFFICIAL SEAL

Kathy Seal

Notary Public

Residing at: *Ketchikan*

My commission expires: *7.9.2006*



LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Buich 1995 Family Trust c/o Mike L. Buich & Yvette, hereby nominate and appoint Charles E. Brockway - Brockway Engineering, PLLC as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

37-90

37-1223

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 27 day of MAY, 2005. Mike L. Buich

Mike L. Buich

Signature

Signature

State of Idaho)

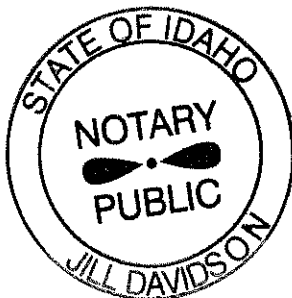
County of Twin Falls)

ss.

On this 27TH Day of May, 2005, before me, a Notary Public in and for said County and State, personally appeared Michael Buich, known or identified to me to be the individual whose name and subscription to the within instrument, and 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 in this certificate first above written.

S
E
A
L



Jill Davidson
Notary Public
In and for said State and County

11-18-2010
My Commission Expires