

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

RECEIVED
OCT 13 2005

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources

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
85 4398					

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)

William Ferwall
3276 Tupper Lane, Albany OR 97321

4. New Owner/Claimant(s)

Arthur + Bethany Wilk
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

22473 Webb Rd #

City, State and ZIP Code

Lapwai, Id 83540

New Telephone Number

(208) 843-2348

5. Date you acquired the property

January 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)

Bethany Wilson
Pat Wilk

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 _____

AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY
(10-17-92)

Policy No. 72106- 748616

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri 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.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Alliance Title and Escrow Corporation
1455 "G" Street
Suite 102
Lewiston, ID 83501
(208)743-8541 or (800) 355-9686

CHICAGO TITLE INSURANCE COMPANY

By:



President

By:

ATTEST



Secretary



OWNER POLICY

SCHEDULE A

Order Number	Policy Number	Date of Policy	Amount of Insurance	Premium Amount
2000303881	72106-748616	January 27, 2004 At 3:16PM	112,500.00	644.00

1. Name of Insured:

Arthur Wilks and Bethany Wilks

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

Parcel "A"

Fee Simple

Parcel "B"

An Easement More Particularly Described Below As Parcel "B"

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

Arthur Wilks and Bethany Wilks, Husband and Wife

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

Exhibit A

Parcel A:

That part of Government Lots 10 and 11 of Section 27, Township 35 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho, described as follows:

Beginning at a BLM aluminum post 2 1/2 inch diameter at the Southeast corner of Lot 10 in Section 27 of Township 35 North, Range 4 West of the Boise Meridian; thence South 89°34' West along the South line of Lot 10 a distance of 346.5 feet to a BLM aluminum post 2 1/2 inch diameter; thence North 1°06' West a distance of 480.2 feet to a point; thence North 89°34' East a distance of 346.5 feet to a point on the East line of Lot 10; thence South 1°06' East along the East line of Lot 10 a distance of 153.83 feet to a BLM aluminum post 2 1/2 inch diameter; thence South 87°23' East a distance of 153.75 feet to the centerline of Sweetwater Creek; thence South 0°58' West along the centerline of Sweetwater Creek a distance of 105.2 feet to a point; thence South 2°24' West along the centerline of Sweetwater Creek a distance of 102.5 feet to a point; thence South 32°13' East along the centerline of Sweetwater Creek a distance of 132.7 feet to a point on the South line of Lot 11; thence North 89°51' West along the South line of Lot 11 a distance of 212 feet to the Point of Beginning.

Parcel B:

TOGETHER WITH an easement for the purpose of ingress and egress on, over and across the following:

Government Lots 40 and 41 (Lots 22 and 23 in early surveys) of Section 27, Township 35 North, Range 4 West of the Boise Meridian, in the County of Nez Perce, State of Idaho, and being more particularly described as follows:

Beginning at the West Sixteenth corner of Section 27, Township 35 North, Range 4 West of the Boise Meridian, monumented with a 2 1/2 inch aluminum cap monument set during the Dependent Resurvey, Subdivision, and Metes-and-Bounds survey by the Bureau of Land Management officially filed April 20, 2000; thence South 89°51'00" East along the South line of Government Lot 11 a distance of 100.00 feet; thence South 64°36'18" East a distance of 73.49 feet; thence South 25°01'41" East a distance of 66.27 feet; thence South 08°44'11" East a distance of 87.43 feet, more or less, to a point on the Northerly right-of-way line of the County Road; thence South 57°35'07" West along said right-of-way line a distance of 21.84 feet; thence North 08°44'11" West a distance of 93.34 feet; thence North 25°01'41" West a distance of 55.72 feet; thence North 67°06'26" West a distance of 47.15 feet; thence North 81°49'17" West a distance of 46.01 feet; thence North 88°39'58" West a distance of 126.77 feet; thence South 89°19'52" West a distance of 108.00 feet; thence North 86°51'34" West a distance of 95.30 feet; thence North 79°42'20" West a distance of 33.12 feet; thence North 00°26'00" West a distance of 7.22 feet to a point on the South line of Government Lot 10; thence North 89°34'00" East along the South line of Government Lot 10 a distance of 300.00 feet to the Point of Beginning.

END OF SCHEDULE A

OWNER POLICY

Order No: 2000303881
Policy No: 72106-748616

SCHEDULE B PART I

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:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

SCHEDULE B PART II

Special Exceptions:

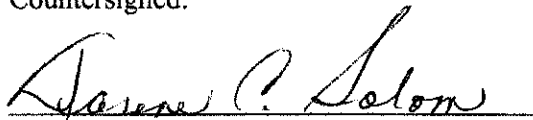
7. Taxes, including any assessments collected therewith, for the year 2004 which are a lien not yet due and payable.
8. Any question of location, boundary or area related to Sweetwater Creek, including, but not limited to, any past or future changes in it.
9. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in an Amendment to Easement for Right-of-Way.
Recorded: January 23, 2004
Instrument No.: 700875 of Official Records.

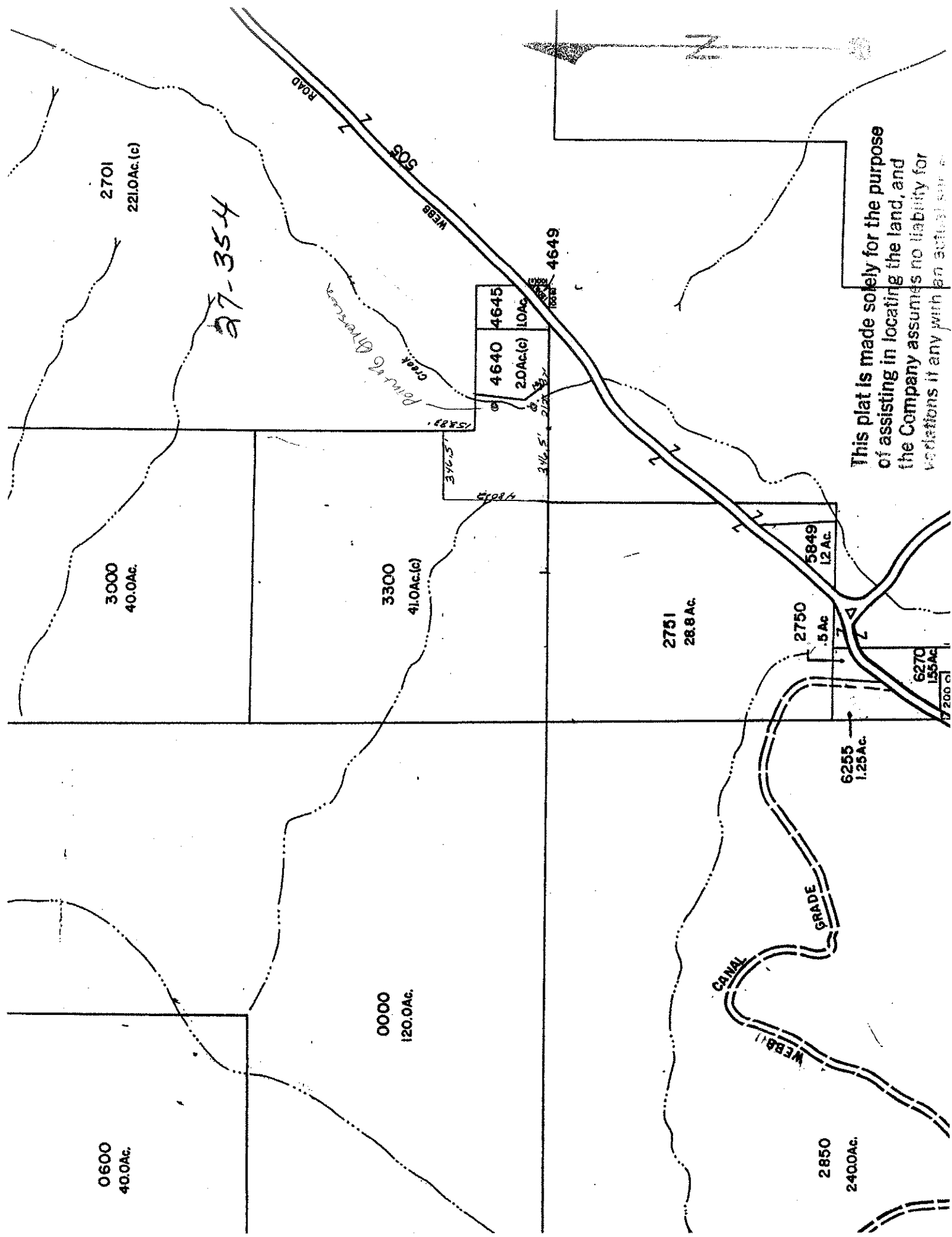
10. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a Warranty Deed.
Recorded: January 27, 2004
Instrument No.: 701031 of Official Records.
11. Easements for the purpose shown below and rights incidental thereto as reserved in a document.
Purpose: ingress and egress
Warranty Deed recorded January 27, 2004 as Instrument No. 701031.
12. A Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby:
Dated: January 23, 2004
Amount: \$106,875.00
Trustor/Grantor: Arthur Wilks and Bethany Wilks, Husband and Wife
Trustee: Pioneer Title Company
Beneficiary: Wells Fargo Home Mortgage, Inc.
Recorded: January 27, 2004
Instrument No.: 701032 of Official Records

Note: Said lands lie within the Nez Perce Indian Reservation. The Policy does not insure against any government authority or jurisdiction which may be claimed or asserted by the Nez Perce Indian Tribe, including the power to tax, since said authority or jurisdiction is excluded from coverage by the provisions of Paragraph Number 1 of the Exclusions from Coverage.

END OF SCHEDULE B

Countersigned:


Authorized Signature



This plat is made solely for the purpose of assisting in locating the land, and the Company assumes no liability for variations if any with an actual survey.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 85-4398

NAME AND ADDRESS: WILLIAM H FERWALT
36276 TAPPER LN
ALBANY OR 97321

SOURCE: UNNAMED STREAM

TRIBUTARY: WEBB CREEK

QUANTITY: 0.080 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1965

POINT OF
DIVERSION: T35N R04W S27 SENW Lot 11 Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	02/15 11/30	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within NEZ PERCE County

T35N R04W S27 Lot 10 SWNW 1.0 T35N R04W S27 Lot 11 SENW 1.0

STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use