

IDAHO DEPARTMENT OF WATER RESOURCES

18N, 03E, S33



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-12741

OWNER(S): KEATING

Prepared by Mel Schulte

DATE: APRIL 20, 1999

33

0 0.25 0.5 Miles

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

10/19/2001

WATER RIGHT: 65-22643

NAME AND ADDRESS: CLARK A GOODWIN
51 GARDEN LN
MC CALL ID 83638

CINDY L GOODWIN
51 GARDEN LN
MC CALL ID 83638

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.06 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/22/1985

POINT OF DIVERSION:

T18N R03E S33 NESW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	05/01 09/30	0.020 CFS

PLACE OF USE: DOMESTIC Within VALLEY County
T18N R03E S33 NESW
IRRIGATION Within VALLEY County
T18N R03E S33 NESW 1.0

1 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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.

EXPLANATORY MATERIAL: License

PROPERTY IS ALSO KNOWN AS LOT 31 & NORTH PORTION LOT 32, ELDS
COUNTRY SUB. ON LOT 31, ELD COUNTRY SUB.

Note: This split is based on information provided by William Keating
10/29/2001 by telephone conversation w/ agent.

William Keating

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

RECEIVED**AUG 16 2001****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): 65-12741 65-02367 65-038258
 Adjudication Claim No(s): Not appropriate to 65-12741 land.
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** showing the location of the place of use of the water right(s) or claim(s).
 (These are usually attached to your deed or on file with the county.)
OR
 C. If your water right or adjudication claim 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 William D. And Carol D. Keating
57 Garden Lane, McCall Idaho 83638
4. New Owner/Claimant(s) Clark A or Cindy L Goodwin
 Name Connector (Check one): ☐ and ☒ or ☐ and/or
 New Mailing Address 51 Garden Lane
 City, State and ZIP Code McCall ID 83638
 New Telephone Number (208) 634-4818
5. Date you acquired the property Nov 2, 1998

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right <u>2</u>	Number and type of stock <u>Cattle / horses / 6 head</u>
Irrigation <u>0.04</u>	
Domestic <u>0.04</u>	
Diversion rate in CFS _____	Number of homes you acquired _____ Other uses _____

Signature of New Owner(s)
 or Claimant(s)

Clark A Goodwin Cindy L Goodwin

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

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.

Note: We need to split the water rights. The new owner bought Lot # 31. Rights on Lot # 32 to remain with the Keatings. Original well is on lot # 31. Keatings own S. portion of Lot # 32 approx. 1.59 Acres. With New Well and house. New well 3 or 4 years old.

Split tree 65-12741

65-12741- N/O Keating

DR: In - .04 cfs

Dom - .04 cfs. (1 home)

* POD: 18N, 3E, S33, NESW

**POU: 18N, 3E, S33, NESW - 2ac

* Well is on Lot 31

** Domestic use is on Lot 31. In is on Lots 31 & 32.

65-22642 N/O Keating

DR: In - .02 cfs

POD: 18N, 3E, S33, NESW

**POU: 18N, 3E, S33, 1ac

*** (South portion Lot 32, Elds Country Sub)

65-22643

N/O Goodwin

DR: In - .02 cfs

Dom - .04 cfs

* POD: 18N, 3E, S33, NESW

**POU: 18N, 3E, S33, NESW In - 1ac

Dom -

** (Lot 31 & North portion Lot 32, Elds Country Sub)

* on Lot 31, Elds Country Sub

(Note - This split is based on information provided by William Keating on 10-19-2001 by telephone.

AJ5853NP
1042

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: September 29, 1991
PAGE: 1

RIGHT NUMBER: 65-12741

NAME AND ADDRESS: WILLIAM D KEATING
CAROL D KEATING
57 GARDEN LN
MC CALL ID 83638

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS
7.2 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .04 CFS. COMBINED RIGHT NOS.:
65-02367 & 65-03825B.

PRIORITY-DATE: 07/22/1985

POINT OF DIVERSION T18N R03E S33 NESW Within VALLEY County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 09-30	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: IRRIGATION Within VALLEY County
T18N R03E S33 NESW 2
2 ACRES TOTAL

DOMESTIC Within VALLEY County
T18N R03E S33 NESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
PROPERTY IS ALSO KNOWN AS LOTS 31 & 32, ELDS COUNTRY SUB.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE A

COMMITMENT FOR TITLE INSURANCE

1. Effective Date September 24, 1998 AT 9:00 A.M. Case No. _____
2. Policy or policies to be issued:
- (a) 132,500.00
Amount \$ _____
☐ ALTA Owner's Policy (10-17-92)
☐ ALTA Residential Title Insurance Policy - (6-1-87)
Proposed insured: Clark A. Goodwin and Cindy L. Goodwin, h/w
100,000.00
Amount \$ _____
- (b) ALTA Loan Policy - (10-17-92)
Proposed insured: _____
Amount \$ _____
- (c) _____
Proposed insured: _____
Amount \$ _____

FEE SIMPLE

3. Title to the _____ estate or interest in the land
described or referred to in this Commitment is at the effective date hereof vested in:

William D. Keating and Carol D. Keating

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

All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as Lot 31, Eld's Country Subdivision, a plat which is recorded in the office of the Recorder of Valley County, Idaho.

Purported Address: 51 Garden Lane, McCall, ID 83638

Mountain Title & Escrow Co., Inc.
Cascade, ID 83611

COM1053-98

Countersigned at _____

Commitment No. _____

Schedule A—Page 1

Authorized Officer or Agent

Richmond, Virginia

SCHEDULE B-Section 1

Requirements

The following are the requirements to be complied with:

Item(a) Payment to or for the the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item(b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. Warranty Deed from William D. Keating and Carol D. Keating, husband and wife, as Grantor, to Clark A. Goodwin and Cindy L. Goodwin, husband and wife, as Grantee.
2. Release of Deed of Trust, set forth on Schedule B, Section 2, as Item 11, filed in Valley County, Idaho, records as Instrument No. 199906.
3. Release of Deed of Trust, set forth on Schedule B, Section 2, as Item 13, filed in Valley County, Idaho, records as Instrument No. 210769.
4. Release of Deed of Trust, set forth on Schedule B, Section 2, as Item 14, filed in Valley County, Idaho, records as Instrument No. 220904.
5. Deed of Trust from Clark A. Goodwin and Cindy L. Goodwin, husband and wife, as borrowers, securing a loan from *****TBD*****, as lender.
6. Subject to the findings of a visual inspection and the enclosed affidavit to be completed and signed by the borrower and returned to this office.

NOTE: Copies of exceptions are available upon request.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2. Rights or claims of parties in possession not shown by the public records.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.

4. Easements, or claims of easements, not shown by public records.

5. 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.

6. Taxes for the year 1998, and subsequent years, will be an accruing lien not yet due and payable. Taxes for 1997 on parcel no. 000 830 000 310 are in the amount of \$763.22, and are paid in full. NOTE: This is for information purposes only and the Company assumes no liability for amounts quoted. It has recently become the practice of the Valley County Assessor and Treasurer to issue subsequent tax statements, the amount shown thereon being unavailable or unknown at this time, and the Company assumes no liability thereof.

7. Assessments or liens by Valley County for garbage collection as provided for by law.

8. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

9. ELD'S COUNTRY SUBDIVISION as filed for record in the office of the Recorder, Valley County, Idaho, as follows:
PLAT AND DEDICATION; Instrument No. 96485.

- cont'd -

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

This commitment is invalid unless the Insuring Provisions and Schedules A and B are attached.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE _____ cont'd.

10. AGREEMENT with the Lake Fork Reservoir Company, as filed for record in the office of the Recorder of Valley County, Idaho on March 12, 1920, as Instrument No. 3457, in Book 3 of Miscellaneous at Page 315. (affects only those lots lying within the W2SW4)

11. DEED OF TRUST

GRANTOR: William D. Keating and Carol D. Keating, h/w

TRUSTEE: Mountain Title & Escrow Company, Inc.

BENEFICIARY: West One Bank, Idaho

DATED: October 25, 1993

RECORDED: October 29, 1993 as Instrument No. 199906

AMOUNT: \$63,000.00

ASSIGNED TO: First Bankers Mortgage Corporation as filed for record in the office of the Recorder of Valley County, Idaho on August 2, 1995 as Instrument No. 212454.

12. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho, on December 19, 1994, as Instrument No. 208625.

13. DEED OF TRUST

GRANTOR: William D. Keating and Carol D. Keating, h/w

TRUSTEE: Mountain Title & Escrow Company, Inc.

BENEFICIARY: West One Bank, Idaho

DATED: April 28, 1995

RECORDED: May 2, 1995 as Instrument No. 210769

AMOUNT: \$29,000.00

14. DEED OF TRUST

GRANTOR: William D. Keating and Carol D. Keating, h/w

TRUSTEE: Mountain Title & Escrow Company, Inc.

BENEFICIARY: Key Bank

DATED: September 11, 1996

RECORDED: September 17, 1996 as Instrument 220904

AMOUNT: \$33,000.00

MODIFICATION OF EQUITY OPTIONS (increase to \$45,000) as filed for record in the office of the Recorder of Valley County, Idaho on February 7, 1997 as Instrument No. 223971.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS Richmond, Virginia COMMITMENT FOR TITLE INSURANCE

LAWYERS TITLE INSURANCE CORPORATION, A Virginia corporation, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused the Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in under taking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

Lawyers Title Insurance Corporation

By:

Janet A. Alpert

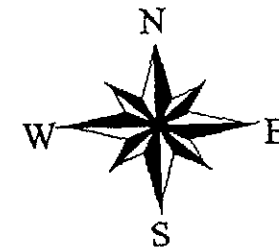
Attest:

John H. Hunt

President

Secretary

IDAHO DEPARTMENT OF WATER RESOURCES
18N, 03E, S33



1987 NAPP PHOTO

- POINT OF DIVERSION
-  PLACE OF USE
-  1/4 1/4 LINES
-  SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-12741

OWNER(S): KEATING

Prepared by Mel Schulte

DATE: APRIL 20, 1999



0 0.25 0.5 Miles

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM D KEATING	07/22/1985	IRRIGATION	05-01 09-30	0.04 CFS	
C	CAROL D KEATING 57 GARDEN LAND MC CALL ID 83638 (208) 634-2474		DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.08 CFS	7.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T18N R03E S33 NESW

VALLEY County

Place of use Legal Description for: IRRIGATION

[illegible]

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE									
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
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18N	03E	33	:					:					:	D				:					:		

POU County: VALLEY

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
- NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .04 CFS. COMBINED RIGHT NOS.:
65-02367 & 65-03825B.

EXP PROPERTY IS ALSO KNOWN AS LOTS 31 & 32, ELDS COUNTRY SUB.

Dates: **Exam Made Date:** **Verified Date:** **Objection Filed Date:**

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R65-12741

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/21/99
PAGE: 2

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Comments: Date: 04/20/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
P/U ALSO KNOWN AS LOTS 31 & 32, ELDS COUNTRY SUBD.

Audit: 04/21/99 MSCHULTE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 22, 2001

CLARK A GOODWIN
CINDY L GOODWIN
51 GARDEN LN
MC CALL ID 83638

Re: Original Notice of Claim to a Water Right No. 65-12741

Renumbered Notice of Claim to a Water Right No. 65-22643

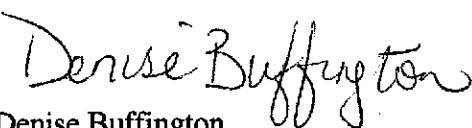
Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim. Also enclosed is a copy of the original claim for your reference.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,


Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB: db

Enclosure