

75-4103

RECEIVED

DEC 05 2005

DEPARTMENT OF
WATER RESOURCES

Town & Country Realty
534 Main Street
Salmon, ID 83467
(208) 756-4910
FAX (208) 756-4915

November 30, 2005

Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Attention: Sally Sherman
Technical Records Specialist
Adjudication Technical Section

Re: Snake River Basin Adjudication (SRBA)
Notice of Change in Water Right Ownership - #75-36A

Dear Ms. Sherman:

This letter is in response to your letter dated November 7, 2005 addressed to Raymond and Annette Koerner. I represented the Koerners when they purchased the subject property and they have asked me to reply to you on their behalf.

I obtained the above referenced water right information from Bob Foster at your Salmon office. We have verified the information you sent us and it seems that Bob inadvertently gave us the wrong number. You are correct. The water right does not correspond with the Koerner's property at 121 South St. Charles Street in Salmon.

With a bit more research on the IDWR website, we've tracked down what we feel certain is the correct number which is 75-4103. It appears that the one acre the Koerners purchased was "broken off" from the larger parcel described under water right 75-4103. It was granted to Jennie Herman by court decree when her husband Carl J. Herman died in 1991. The water rights are still in the name of Carl J. Herman. Jennie Herman has also died. A copy of the decree to Jennie Herman is attached.

The water rights for the one acre were never transferred into the name of Jennie Herman. Mrs. Herman then sold the property to Mr. Donald Halsey. Mr. Halsey didn't transfer the water rights into his name either. Mr. Halsey has now sold the property to Ray and Annette Koerner.

I have provided you with copies of all documents to show you the chain of title from Carl Herman

Page 2

Town & Country Realty

to Jennie Herman to Donald Halsey to Ray and Annette Koerner. I feel confident that this will clarify the situation and you will now be able to transfer the water rights into the Koerner's names.

Please continue to direct your correspondence to Ray and Annette Koerner at the South St. Charles St. address.

Thanks for your assistance and we apologize for the mistake.

Sincerely,

A handwritten signature in cursive script, reading "Fredde Runnalls". The signature is written in dark ink and is positioned above the printed name and title.

Fredde Runnalls
Sales Agent

Date No. _____ in the Magistrate Division of the District Court, County of Lemhi, State of Idaho, I, Alberta Wiedornick, Clerk of the District Court, do hereby certify that this is a true and correct copy of the instrument, which was filed for record at _____, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, at the District Court, this _____ day of _____, 1991.

Alberta Wiedornick, Clerk

State of Idaho
County of Lemhi

ss. No. 211626

This instrument was filed for record at the request of Jennie E. Herman at 10:00 o'clock A. M. 7-9 1991 and duly filed and indexed in the records of Lemhi County.

Alberta Wiedornick

By Jennie E. Herman Ex-Officio, Register
Deputy

FILED 15-0-91 Box 36214 Salmon 83469

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF /
CARL J. HERMAN, deceased. /

CASE NO. 25-11-23

DECREE DETERMINING SURVIVING SPOUSE AS SOLE BENEFICIARY

The verified Petition of Jennie E. Herman came on regularly to be heard by the court, and the court makes the following findings:

1. Notice of the time and place of hearing has been given as required by law;
2. No objections to the Petition have been filed and no persons appears in opposition to the Petition;
3. Carl J. Herman died on February 2, 1991, testate while domiciled in Lemhi County, Idaho.
4. Carl J. Herman and Jennie E. Herman were married on December 23, 1950;
5. Jennie E. Herman, the surviving spouse is the sole heir of the decedent;
6. The decedent at the time of his death owned or had an interest in certain property in Lemhi County and Fremont County, Idaho, and that said property was the community property of the said Carl J. Herman and Jennie E. Herman.
7. The Petitioner is the surviving spouse of the decedent;

IT IS THEREFORE ORDERED AND DECREED AS FOLLOWS:

6
22
by
d 83467
E

3. Carl J. Herman and Jennie E. Herman were married on the 23rd day of December, 1950 and were husband and wife, on February 2, 1991, the date of the decedent's death;

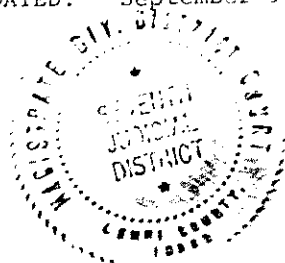
2. Jennie E. Herman, the surviving spouse was the sole heir of the decedent, and by the terms of the will of said decedent, Jennie E. Herman, is entitled to the distribution of the property described on Exhibit "A" which said property is located in Lemhi and Fremont Counties, Idaho.

NG
e

3. That the property located in Lemhi County and Fremont County, Idaho, described on Exhibit "A" attached hereto and any other property not now known or discovered shall be and same is hereby distributed to: JENNIE E. HERMAN

4. Jennie E. Herman shall assume and be liable for any indebtedness that might be a claim against the estate of said decedent.

DATED: September 9, 1991.



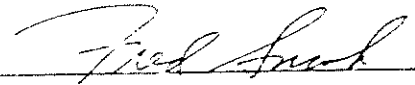

MAGISTRATE

EXHIBIT "A"

HERMAN DECREE

THE FOLLOWING PROPERTY LOCATED IN LEMHI COUNTY, IDAHO.

Part of Lot 2, and Lot 3 of Section 18, Township 21, N.R. 22, E.B.M. described as follows to wit: Beginning at a point on the north line of Lot 3, 136.3 feet west of the Northeast corner of said Lot; thence S. 4 deg. 02'30" W. 414.2 feet; thence S. 22 deg. 06' W. 465 feet; thence N. 89 deg. 58' W. 150 feet more or less to the Easterly bank of the Salmon River; thence northwesterly along the easterly bank of said Salmon River to the N. line of said Lot 3; thence East along the northerly line of said Lot 3, to the place of beginning, containing 10.8 acres, more or less.

ALSO: Beginning at a point on the south side of Lot 2, 136.3 feet west of the Southeast corner of said Lot; thence N. 8 deg. 35' W. 384.5 feet; thence north 19 deg. 07' W. 309.5 feet; thence N. 58 deg. 02' E. 348.3 feet to the east line of said Lot 2; thence north along the east line of said Lot 2, 50 feet; thence S. 58 deg. 02' W. 370 feet; thence N. 44 deg. 30' W. 450 feet; thence N. 61 deg. 50' W. 275 feet; thence S. 35 deg. W. 110 feet, more or less, to the southerly bank of the present stream or slough; thence westerly along the southerly bank of said slough to the easterly side of the original channel of the Salmon River as indicated by the Government Survey of Hedberg Island; thence southerly along the said indicated channel to the south line of said Lot 2; thence east along said south line to the place of beginning. Containing 25.3 acres, more or less.

ALSO: That part of Lot No. 2 of Section 18, in Township 21 north of Range 22 East of the Boise Meridian in Lemhi County, State of Idaho, starting at a point 136.3 feet West of the S. E. corner of said Lot No. 2, running thence N. 8 deg. 3" West 384.5 feet, thence N. 19 deg. 7' West 309.5 feet thence North 58 deg. 2' East 348.3 feet to the East line of said Lot No. 2 thence North along the East line of said Lot No. 2, 50 feet which is the point of beginning, running thence North 25 feet thence South 58 deg. 02' West 375 feet thence South 25 feet thence North 58 deg. 2' East 375 feet to the point of beginning.

EXCEPTING FROM the above described premises that certain tract of land heretofore conveyed by Yens L. Coates and Ruth E. Coates to Edmond Bills by deed dated and recorded March 1, 1946 in Book 39 of Deeds, page 30, records of Lemhi County, Idaho, being a fraction of Lots 2 and 3 in Section 18, T. 21 N.R. 22 E.B.M., to which deed reference is hereby made for more particular description.

A fraction of Lot 2, in Section 18 T. 21 N. R. 22 E., Boise Meridian, more particularly described as follows, to wit:

Beginning at the Northeast corner of said Lot 2, run thence South 420.0 feet; thence S. 58 deg. 02' W. 370.0 feet; thence N. 44. deg. 06' W. 80.6 feet; thence N. 558.0 feet to a point on the North boundary of Lot 2; thence East 370.0 feet to the point of beginning. Containing 4.2 acres.

Together with all improvements thereon and any ditch and ditch rights, water and water rights used in connection therewith.

The following described unpatented mining claims together with a Mill site on Indian Creek in Lemhi County, State of Idaho, to wit: Gold Homestead and one Mill site.

One 1951 Chev truck ID No. 5JRF7407

One 1968 Lar 16 foot boat

Claim to water right No. 75-4103-WR/No: A75-04182- A75-10165-A75-10166

Claim to water right No. 75-4182;A75-04103; A75-10164:

THE FOLLOWING PROPERTY LOCATED IN FREMONT COUNTY, IDAHO.

An undivided 1.4 percent interest in and to the following described premises in Fremont County, Idaho, to wit:

Parcel 1: An undivided .95 percent interest in and to Block 1 of Island Park Village Subdivision, Fremont County, Idaho, according the to official plat thereof filed for record on July 12, 1974, As Instrument No. 336242 in Fremont County, Idaho. And Amendment recorded February 12, 1979, as Instrument No. 358175. (excepting therefrom those portions thereof shown as Units 1 through 77 inclusive on the diagramatic floor-plans attached as Exhibit "B" to the "Declaration for the Timbers Condominiums", filed for record on September 26, 1975, as Instrument No. 340868, and amended by Instrument No. 350410 filed for record on October 3, 1977, in Fremont County, Idaho).

Parcel 2: Condominium Unit 46 of the Timbers Condominiums, in said Block 1 of Island Park Village Subdivision, according

and subject to the Declaration for the Timbers Condominium and the Exhibits and amendments thereto, which documents are particularly described above.

This conveyance is also subject to a document entitled "Protective Covenants of Island Park Village" filed for record on July 7, 1975, as Instrument No. 339988, and as amended on March 22, 1979, and recorded April 3, 1979, as Instrument No. 358855, in the office of the County Recorder of Fremont County, Idaho, and provisions of the amended Articles and By-Laws of the Island Park Village Association, Inc., filed for record September 8, 1975, as Instrument No. 340657; all of which are filed for record in the office of the Recorder in Fremont County, Idaho. This deed being subject to all of the above documents, and the same being hereby incorporated into this deed by reference as if set forth below in their entirety.

The Time share week is 8 as designated in Exhibit B of Supplemental Declaration of the Timbers Condominiums and Timeshare Agreement, recorded September 26, 1975 as Instrument No. 340870, and as amended by Supplement Declaration recorded October 3, 1977, as Instrument No. 350411.