



A Pioneer Company
PIONEER TITLE COMPANY
 OF ADA COUNTY
 8151 W. Rittenhouse Ave., Boise, Idaho 83704
 (208) 377-2700

Instrument # 242388
 MURPHY, OWYHEE, IDAHO
 2400-02-03 24260225 18a. of Page: 1
 Recorded for: PIONEER TITLE
 CHARLOTTE SHERBURN
 Ex-Officio Recorder/Deputy
 Idaho: 2004-01-01

WARRANTY DEED

For Value Received EDWARD D. FRISBIE and BARBARA J. FRISBIE, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Due D. MICHAEL CLARKE and SUE R. CLARKE, husband and wife

hereinafter referred to as Grantee, whose current address is, 4098 N. JULLION WAY BOISE, IDAHO 83704
 the following described premises, to-wit:

LOTS 1 & 3, AS SHOWN ON THE PLAT OF PERRY HEIGHTS SUBDIVISION, Owyhee County, Idaho, recorded March 26, 2001 as Instrument No. 234510, Owyhee County Records.

TOGETHER with a 28.58% interest in Good Day Road as shown on the plat of PERRY HEIGHTS SUBDIVISION, Owyhee County, Idaho, recorded March 26, 2001 as Instrument No. 234510, Owyhee County records.

ALL WATER RIGHTS ALLOCATED TO GROUND.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, except current years taxes, levies, and assessments, and except U.S. Patent reservations, recordations, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 31, 2003

Edward D. Frisbie
 Edward D. Frisbie

Barbara J. Frisbie
 Barbara J. Frisbie

No warranties of any kind are implied
 nor representation made by Pioneer
 Title Company regarding this document
 or its effect on the land it involves.

STATE OF IDAHO, County of Ada, ss.

On this 31st day of January, in the year of 2003, before me The Undersigned, notary public personally appeared Edward D. Frisbie and Barbara J. Frisbie, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



ACKNOWLEDGMENT
 BOISE, IDAHO
 JONATHAN L. HANSEN
 6-11-2007

Jane L. Hansen
 Jane L. Hansen
 Notary Public of Idaho
 Residing at Boise
 Commission expires: June 11, 2007

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that KENNETH L. &/or PATRICIA A. TRIPLETT

Director

Hydro Logic, Inc.

1002 W. Franklin Street, Boise, ID 83702 (208) 342-8369, (Fax) 342-3100, hydrologic@qwest.net

July 1, 2005

Mr. Steve Lester
Water Rights Supervisor
State of Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

JUL 05 2005

WATER RESOURCES
WESTERN REGION

Subject: Change of Ownership and Point of Diversion Transfer of Water Right No. 02-7189.

Dear Steve:

Transmitted under cover of this letter, please find the attached Application for Transfer of Water Right No. 02-7189 on behalf of my clients D. Michael and Sue E. Clarke of Melba, Idaho. The application needs little explanation because it is a simple change of ownership split which requests a new point of diversion on the Snake River. The Application consists of the following parts:

1. A completed and signed (by the Applicant) IDWR Application for Transfer form.
2. An aerial photograph showing the Place of Use and surrounding area.
3. A portion of a U.S.G.S Topographic Series map showing the proposed new Point of Diversion on the Snake River.
4. The warranty deed for the appurtenant property.
5. A plat map showing 5.332-acres comprising Lots 2 and 3 of the Ferry Heights Subdivision.
6. A copy of water right License No. 02-7189.
7. A check for \$250 to cover the IDWR transfer processing fee.
8. This cover letter.

It is my intention that you find this application complete and thorough so that processing is straightforward and expeditious. Please call me directly at 342-8369 with any questions or if additional information is needed. We will make every effort to respond right away to any such requests.

Respectfully,

Ed Squires



c: D. Michael and Sue E. Clarke



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

August 2, 2005

RECEIVED

JUN 14 2006

DEPARTMENT OF
WATER RESOURCES

CONSULTANT
↓
D. MICHAEL & SUE E. CLARKE
C/O ED SQUIRES
HYDRO LOGIC, INC
1002 W. FRANKLIN
BOISE ID 83702

Re: Application for Transfer of Water Right(s)

Dear Applicant:

Your application for transfer to change a water right(s) was recently received. Processing of the application must be delayed as explained below

Your application describes a water right for which a Snake River Basin Adjudication (SRBA) Claim has been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The role of the Idaho Department of Water Resources (IDWR) in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the next year. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for your area is expected to conclude sometime during the latter half of next year. Based on that schedule and the above reasoning, your application for transfer cannot be processed at this time. IDWR will hold your transfer application until that time and will notify you at the appropriate time to allow your application to be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor

RECEIVED

JUL 05 2005

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Please direct all inquiries to Ed Squires at 342-8369

Name of applicant D. Michael and Sue E. ClarkePhone (208) 495-2700Post Office address 11798 Good Day Road, Melba, ID 83641

RECEIVED

JUN 14 2006

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change Ownership

DEPARTMENT OF
WATER RESOURCES

2. Describe reason for the proposed changes:
- To change point of diversion to new pump from which new owner of

property can divert water for irrigation purposes; To change ownership into name of new owner. Proposed new
point of diversion is on applicant's property riparian to the Snake River.

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>02-7189</u>	<u>03/11/1975</u>	<u>.11 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred
- .11
- cubic feet per second and/or
- 27
- acre-feet per annum.

3. Source of water
- Snake River
- tributary to
- Columbia River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
<u>2</u>		<u>NW</u>	<u>NE</u>	<u>20</u>	<u>1S</u>	<u>2W</u>	<u>Owyhee</u>	<u>Private Diversion</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>1S</u>	<u>2W</u>	<u>20</u>		<u>5.332</u>															<u>5.332</u>
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	

CC of Appl. for ownership change purposes
-82 6/13/06Total Acres 5.332

Part 1

6. General information:

a. Description of diversion system Lift pump into pressurized irrigation system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust mortgages or contracts? Yes NA No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA no change

d. Remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED Please See Attached Copy of License

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- a. License No. _____ issued by the Idaho Department of Water Resources.
- b. Claim No. _____ on file with the Idaho Department of Water Resources.
- c. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse?
 No If yes, describe _____

(If the entire right is to be changed by the applicant, omit part B and C.)

2. Point(s) of diversion:

3. Lands irrigated or place of use:

Total acres **5.332**

C. DESCRIPTION OF UNCHANGED PROTION OF RIGHT *(omit if there is no change)* Balance of Right

2. Point(s) of diversion:

3. Lands irrigated or place of use:[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and /or the new places of use for rights described in part 1. Clearly depict the land by section, township and range number. Please See Attached Map.

Scale: 2 inches equal 1 mile. Draw plan in ink.

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

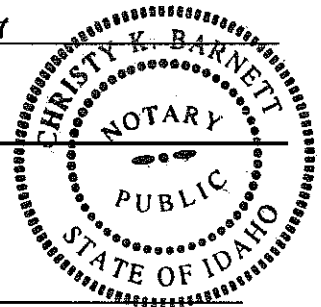
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Michael Clarke
(Signature of Applicant)

Subscribed and sworn to before me this 15TH day of JUL, 20 05.

Christy K. Barnett
(Notary Public)

My commission expires 1-9-2010

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by DB Date 7-5-05

Protest filed by _____

Prelim. Check by _____ Fee \$250-

Received by DB W033141 Date 7-5-05

Published in _____

Copies of protest forwarded by _____

Pub. Dates _____

Hearing held by _____ Date _____

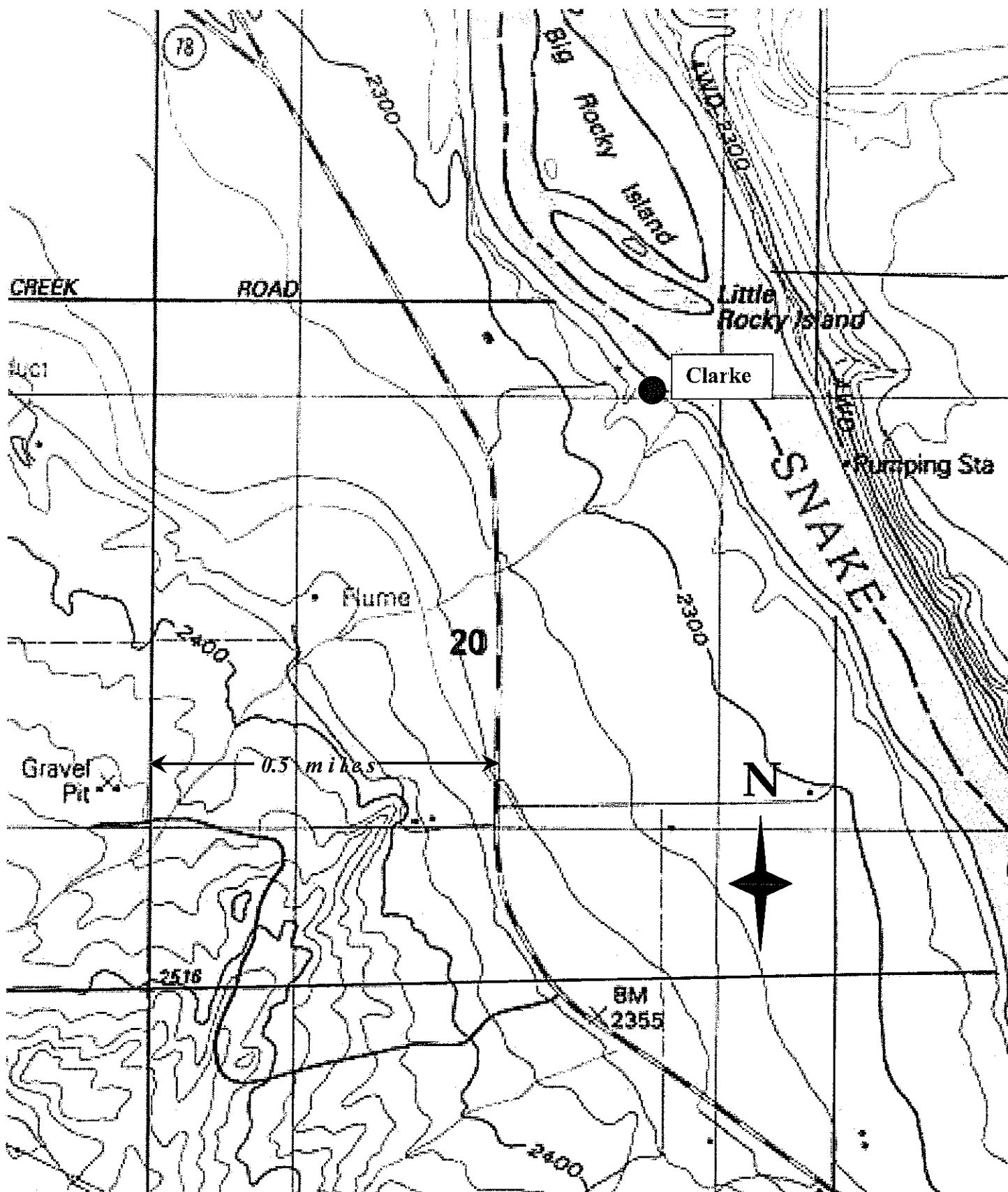
Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd.

by _____

Copy of transfer sent to lien holder _____



Clarke
Location Map
T1S, R2W, Section 20

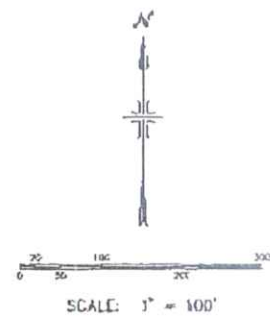
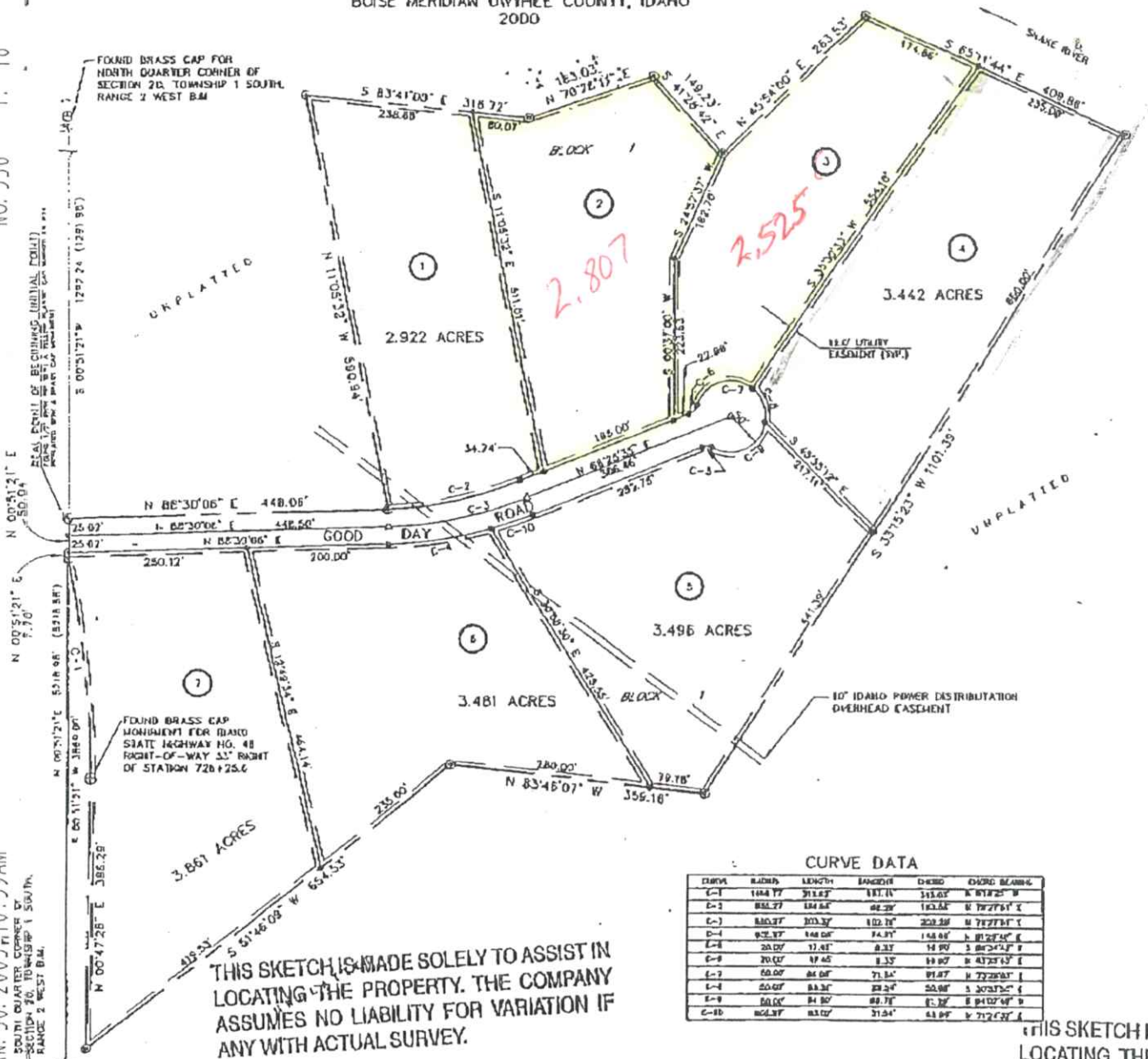
PLAT OF FERRY HEIGHTS SUBDIVISION

A TRACT OF LAND LOCATED IN THE EAST 1/2 of SECTION 20, TOWNSHIP 1 SOUTH, RANGE 2 WEST of THE BOISE MERIDIAN Owyhee County, IDAHO 2000

5.332 Acres Total

NO. 536 P. 18

JAN. 30. 2003 10:59AM
SOUTH QUARTER CORNER OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 2 WEST B.M.



LEGEND

- ⊕ FOUNDED BRASS CAP
- ⊙ SET BRASS CAP (R.P.D.B.)
- ⊖ SET 5/8" x 3/4" IRON PIN WITH PLASTIC CAP
- ⊗ SET 1/2" x 24" IRON PIN WITH PLASTIC CAP
- ⊙ FOUNDED 5/8" IRON PIN
- ▽ CALCULATED POINT
- PROPERTY BOUNDARY
- RIGHT-OF-WAY LINE
- CENTERLINE
- LOT LINE WITH EASEMENT AS NOTED
- ① LOT NUMBER

NOTES.

- 1) ANY RESURVEYING OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESURVEYING.
- 2) A 6-FOOT PERMANENT PUBLIC UTILITIES, PROCESSION AND CHARGE EASEMENT EXISTS UNDER ALL LOT LINES ALONG ROADS AND ALONG THE SUBDIVISION BOUNDARY, AND A 12-FOOT EASEMENT WILL BE CENTERED ON ALL INTERIOR LOT LINES. IF A LOT LINE IS MOVED THE EASEMENT(S) SHALL MOVE WITH THE LOT LINE, PROVIDED THAT UTILITIES HAVE NOT BEEN INSTALLED WITHIN THE EASEMENT(S).
- 3) ALL INTERIOR ROADS ARE FIFTY (50) FEET WIDE, TWENTY-FIVE (25) FEET OTHER SIDE OF CENTERLINE. Owyhee County ASSURES NO RESPONSIBILITY FOR MAINTENANCE FOR THE PRIVATE ROADS PLATTED HEREIN, SUBJECT TO Owyhee County SUBDIVISION ORDINANCE. NO COUNTY SERVICES WILL BE PROVIDED FOR THE PRIVATE ROADS PLATTED HEREIN.
- 4) THIS SUBDIVISION IS SUBJECT TO SOUTHWEST DISTRICT HEALTH DEPARTMENT RESTRICTIONS ON FILE WITH THE Owyhee County READER 107. COMPLAINTS SHALL NOT BE MOVED BY DEED, DIVIDED, OR OTHERWISE CHANGED WITHOUT PRIOR APPROVAL FROM SOUTHWEST DISTRICT HEALTH.
- 5) ALL AREAS SHOWN HEREIN ARE FOR TAX PURPOSES ONLY.

CURVE DATA

CURVE	BEARING	LENGTH	RADIUS	CHORD	CHORD BEARING
C-1	144.77	311.67	117.11	315.65	N 81.82° W
C-2	85.27	184.66	62.39	183.55	N 72.77° E
C-3	85.07	205.37	102.18	202.38	N 72.77° E
C-4	93.37	148.08	74.37	148.08	N 81.27° E
C-5	30.07	17.45	8.37	18.99	S 86.24° E
C-6	70.07	19.45	8.37	19.97	N 43.23° E
C-7	50.07	84.07	71.84	91.87	N 72.28° E
C-8	50.07	84.37	28.24	50.98	S 30.37° E
C-9	50.07	84.37	89.78	87.37	S 81.07° E
C-10	85.27	184.67	31.34	183.55	N 72.77° E

THIS SKETCH IS MADE SOLELY TO ASSIST IN LOCATING THE PROPERTY. THE COMPANY ASSUMES NO LIABILITY FOR VARIATION IF ANY WITH ACTUAL SURVEY.

THIS SKETCH IS MADE SOLELY TO ASSIST IN LOCATING THE PROPERTY. THE COMPANY ASSUMES NO LIABILITY FOR VARIATION IF ANY WITH ACTUAL SURVEY.
ROBERT A. NELSON P.L.S.
BOISE MERIDIAN, IDAHO

Clarke
Aerial Photo
T1S, R2W, Section 20

Clarke

N $\frac{1}{4}$ corner of Section 20

Scale:
0.5 miles

N

