

This drawing is to be used only for reference purposes and the county is not responsible for any inaccuracies herein contained.

Govt Lot 11
CITY

LOT 12
BLM

Tx 292
3451

2470
Tx 319

3451
Tx 291

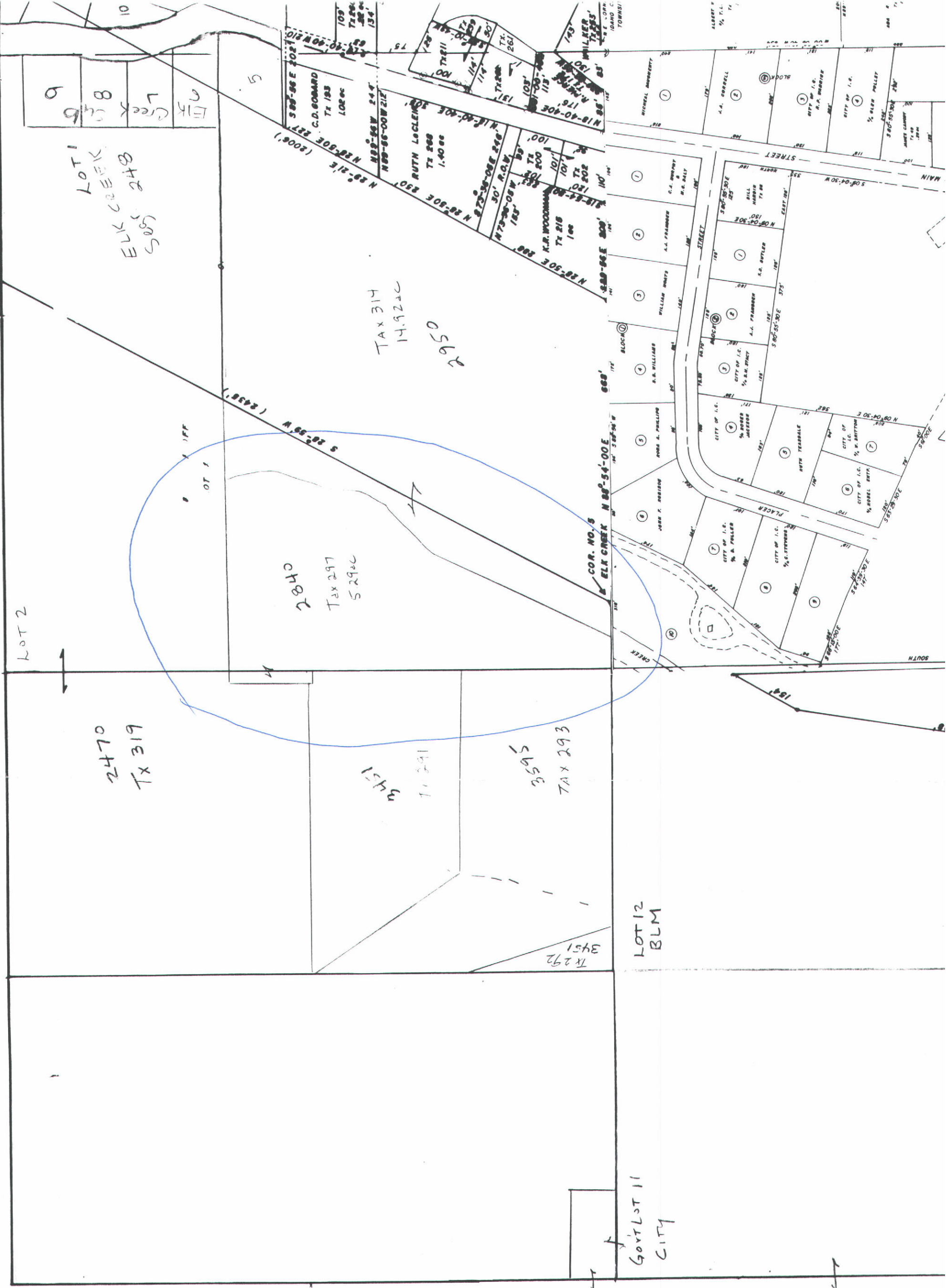
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Tx 293

2880
Tx 297
5292C

2590
Tx 314
14922C

LOT 1
ELK CREEK
248
505

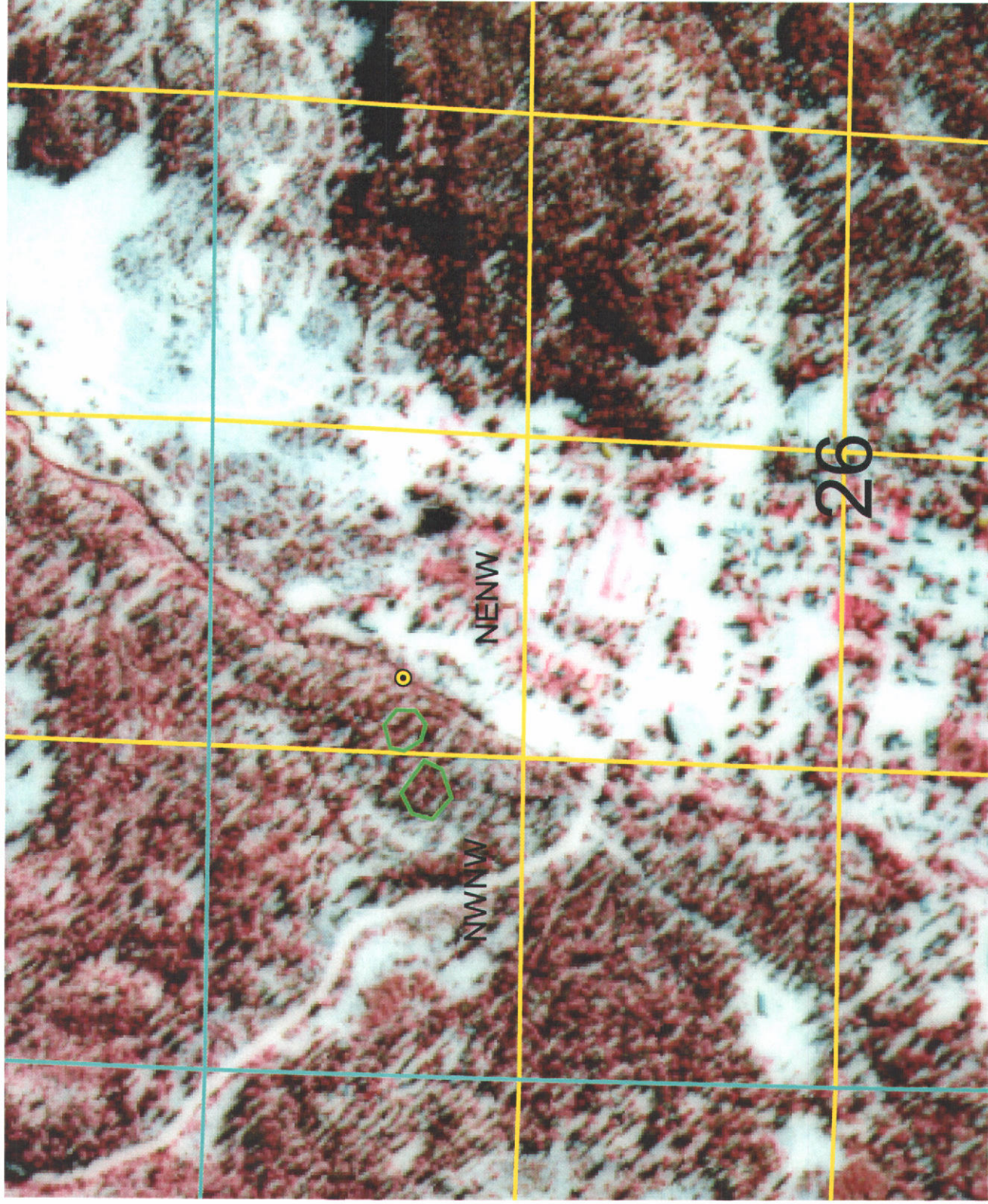
LOT 2



IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-4004A
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
February 12, 2002

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet

1987 NAPP

NWNW

NENW

Wilson Creek

TAILINGS

WILSON

HAWKPD

IDCITY

30404

30398

017

Disregard
the
lines

acq. w/b
home

partial
mine track

SRBA Claim Number A63-4004

Date of Photos 10/11/2001

Photographer N. Nunicucci

Legal Description T6NR5E S26 NENW

① Point of Diversion

Screened intake
on black plastic
pipe.



W.P.

② Pump located
at diversion.

Buried pipelines
to pool.



SRBA Claim Number A63-4004

Date of Photos 10/11/2001

Photographer J. Minicucci

Legal Description T6NRSE326

③ Place of use

NENW

Original home, now
rental unit.



④ Place of use

NWNW

Corner of home
visible in left
edge of photo.

Buried pipe to
sprinkler heads.

Low use this
year due to
drought.



SEC 26 T6N R5E

Department of Water Resources
Thousand Oaks, California

JUN - 4 1992

Lot 2
34 ACRES
BLACK CREEK CORP
Now Hawk's

F. & W. PROFFER
E 1/2 NW NW
SO 00

ending

F. & W. PROFFER
LOT 2

F. A. W. PROFFER
200c (IN SECT. 26)

Tax 297
5.2900

Tax 314
14.92200



Lot 1

Lot 2

F. & W. PROFFER
5 1/2 NW 1/4
80 ac

F. & W. PROFFER
LOT 2

F. & W. PROFFER
ROSE (IN SECT. 26)
TRACT 'A'

97-MINERAL-SURVEY-1465

Tax 297
52.92 ac

Tax 314
14.92 ac

M.H. SPARKS
Tr 803
E. 367 ac

JOHN W. WILLIAMS
3.35 ac

RUTH LOEGER
Tr 808
1.00 ac

WILLIAMS
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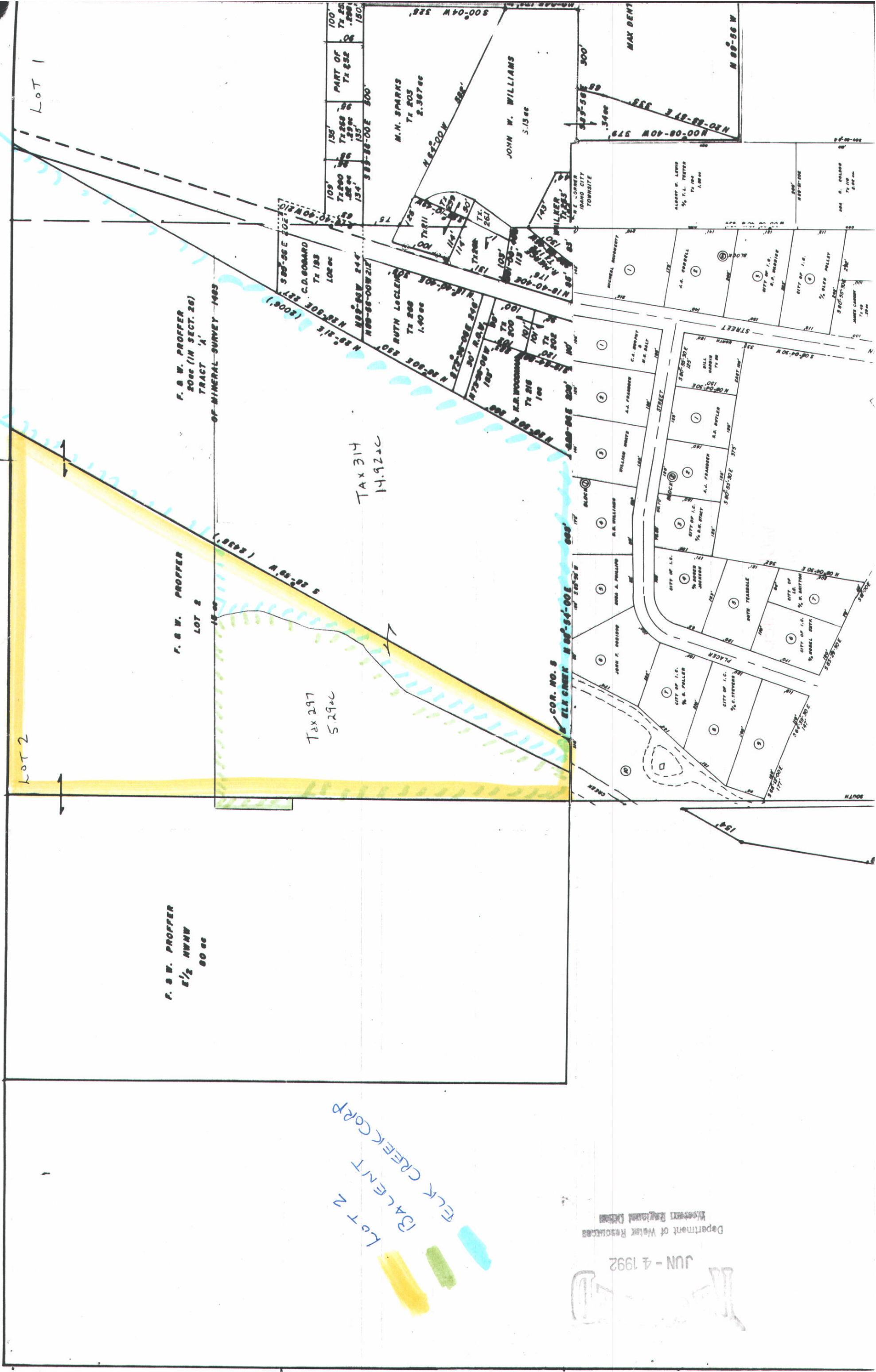
WILLIAMS
Tr 953
1.00 ac

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26017 - NOC

Lot 2
BARENT
BARK CREEK CORP

SEC 26 T6N R5E



Department of Water Resources
Western Regional Office

JUN - 4 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-04004A**
Date Received: 3/ 9/1992
Receipt No: W014275
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: BETH A WILSON 208-392-4497
Address: PO BOX 131
IDAHO CITY ID 83631
AND
Name: PATTI JO BREIDING 208-392-4497
Address: PO BOX 131
IDAHO CITY ID 83631

2. Date of Priority: SEP 1, 1951

3. Source: ELK CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05E	26	NW	NE	NW	2	BOISE

5. Description of diverting works:

CISTERN WITH PUMP AND PRESSURE TANK TO HOME; 1 HP PUMP FOR IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	0.040		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	26	NE	NW	2	IRR	2.0
			NE	NW	2	DOMEST	
						Section Acres	2.0
						Total Acres	2.0

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

CLAIMANT'S PURCHASED ORIGINAL PLACE WHERE PROFFER'S LIVED.
OWNERSHIP CHANGED BY LH 6/26/97.

15. Basis of Claim: STATUTORY CLAIM

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04004A
Date Received: 3/ 9/1992
Receipt No: W014275
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHRISTINE H SCHILLING 208-342-5926
Address: 1627 WILLIAMS ST
BOISE ID 83706

2. Date of Priority: SEP 1, 1951

3. Source: ELK CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	05E	26	NW	NE	NW	2	BOISE

5. Description of diverting works:
CISTERN WITH PUMP AND PRESSURE TANK TO HOME; 1 HP PUMP FOR IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	0.040		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ONE HOME.

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	05E	26	NE	NW	2	IRR	2.0
			NE	NW	2	DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

CLAIMANT'S PURCHASED ORIGINAL PLACE WHERE PROFFER'S LIVED.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED

JUL 25 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 25 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04004A
Date Received: 3/9/1992
Receipt No: W014275
Received By: FW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEFAN BALENT 208-392-4519
Address: PO BOX 295
IDAHO CITY ID 83631

2. Date of Priority: SEP 1, 1951

3. Source: ELK CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05E	26	NW	NE	NW	2	BOISE

5. Description of diverting works:
CISTERN WITH PUMP AND PRESSURE TANK TO HOME; 1 HP PUMP FOR IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	0.040		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ONE HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	26	NE	NW	2	IRR	2.0
			NE	NW	2	DOMESTIC	

MICROFILMED

JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

CLAIMANT'S PURCHASED ORIGINAL PLACE WHERE PROFFER'S LIVED.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): X Stefan M Balent Date: 3-9-92
_____ Date: _____

MICROFILMED

JUL 25 1994

State of Idaho

County of

Ada

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 9th day

of March 19 92

Kathryn A. Walker
Notary Public

Seal

Residing at

Boise, Idaho

My Commission Expires

2-14-1993

MICROFILMED

JUL 25 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 6/28/96

LEGAL DESCRIPTION OF PROPERTY: Township 6 N Range 5 E
Section 26, 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: No 63-04004A & A 63-15191 & A 63-29726
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Christine H. Schilling
1627 Williams St
Boise, ID 83706-3575
- ☐ New Owner/Claimant (Purchaser): Beth A. Wilson & Patti Jo Breiding
- ☐ New Mailing Address: P.O. Box 131
Idaho City, ID 83631
- ☐ New Telephone Number: (208) 392-4497
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Patti Jo Breiding Date June 15 '97
Beth A. Wilson Date 6/13/97
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6-26-97 By: JAH

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 6-26-97 By: JAH

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

Claim Number(s):

63-04004A, A63-15191 & A63-29726

Previous Mailing Address:

Beth A. Wilson & Patti Jo Breiding

PO Box 131

Idaho City, ID 83631

New Mailing Address:

SAME

No changes necessary. *By* 7-16-01

Telephone Number:

(208) 392-4497

Signature of Claimant(s):

Beth A. Wilson
PJ Breiding

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

Title File No. 96-06-2869

WARRANTY DEED

FOR VALUE RECEIVED

***RECORD TO CORRECT LEGAL

CHRISTINE H. SCHILLING, an unmarried person

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto: BETH A. WILSON, an unmarried person and PATTI JO BREIDING, an unmarried person

GRANTEES(s), whose current address is: P.O. Box 131, Idaho City, Idaho 83631
the following described real property in Boise County, State of Idaho,
more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT C

Together with all water rights, ditches and ditch rights, reservoirs and
reservoir rights, springs and spring rights, wells and well rights, both
tributary and non-tributary, on, under, appurtenant to or used on the lands
herein described, including but not limited to, Idaho Department of Water
Resources, Water Right Profile Report No. 63-04004, 0.04 CFS, 9/1/1951 Priority
Date; Elk Creek as the water source for irrigation and domestic use on the
lands herein described.

INST# 161024
REQUEST new view

161024

96 JUN 28 PM 2:12

BOISE COUNTY RECORDER

BY Due Nain

TYPE WD FEC 0600/ckg

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s)
heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that
Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances,
EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the
Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any)
of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current
year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful
claims whatsoever.

Dated: June 27, 1996

Christine H. Schilling
Christine H. Schilling

Christine H. Schilling

STATE OF Idaho, County of Ada, ss.

On this 27th day of June in the year of
1996, before me, the undersigned, a Notary Public in and
for said State, personally appeared
Christine H. Schilling

known or identified to me to be the person whose name
is subscribed to the within instrument, and acknowledged
to me that she executed the same.

Signature: Scott Darling

Name: Scott Darling

Residing at: Eagle, Idaho

My commission expires: 11/28/01

Boise Title

ACKNOWLEDGEMENT - Individual

STATE OF Idaho, County of Ada, ss.

On this 30th day of July
in the year of 1996, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Christine H. Schilling

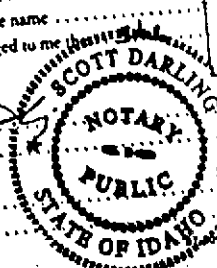
known or identified to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me
executed the same.

Signature: Scott Darling

Name: Scott Darling

Residing at: Eagle, Idaho

My commission expires: 11/28/01



161422

DIST. 161422
REQUEST *Mr. New Title*
23 JUN 81 PM 3:08
DEPT. COUNTY RECORDER
BY *Angela Smith*
TYP. *W.D. Fee, Hoody*

SCHEDULE C

Tract Four

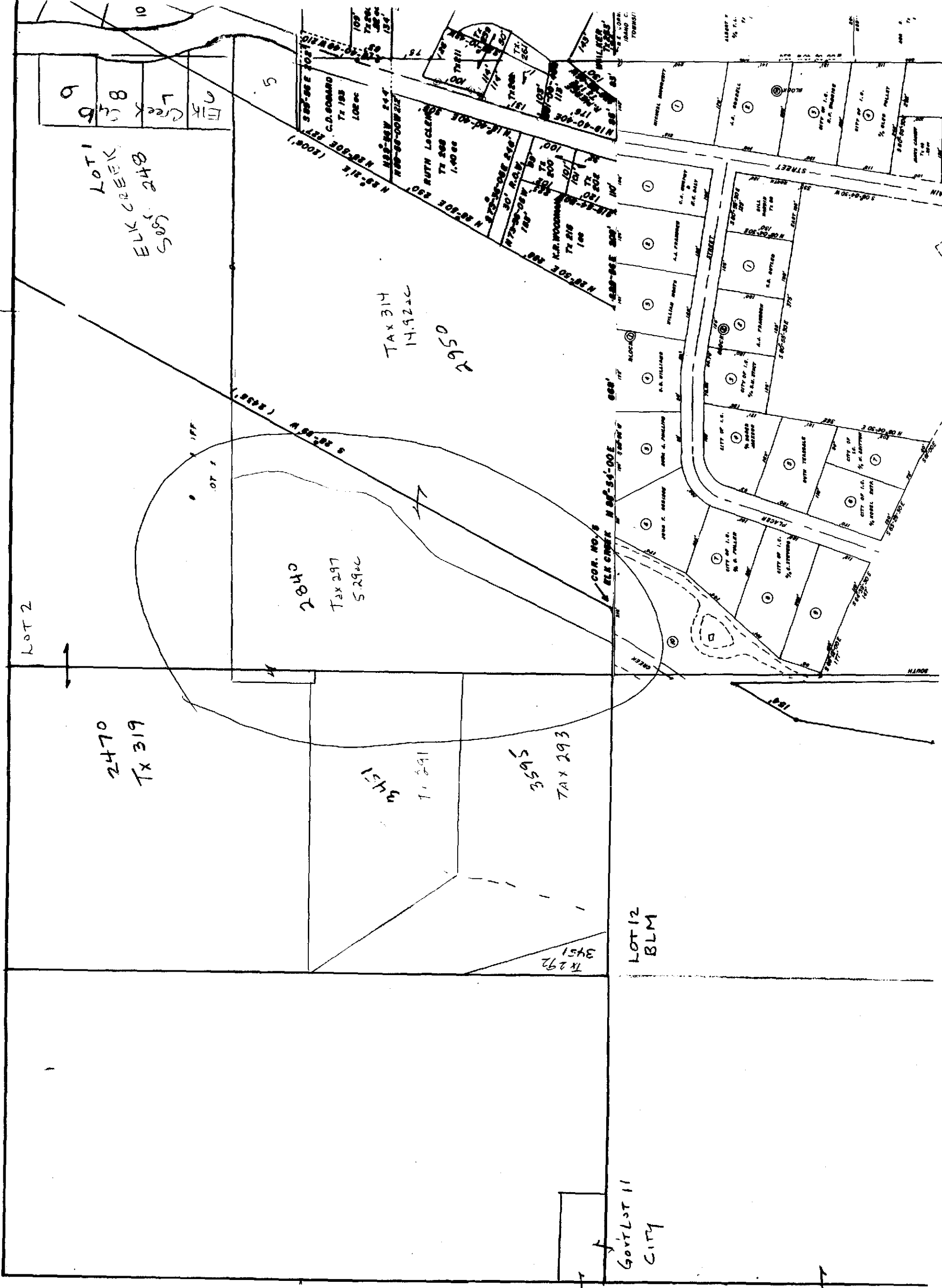
A tract of land situated in the Northwest 1/4 of Section 26, T. 6N., R. 5E., B.M., Boise County, Idaho, described as follows:

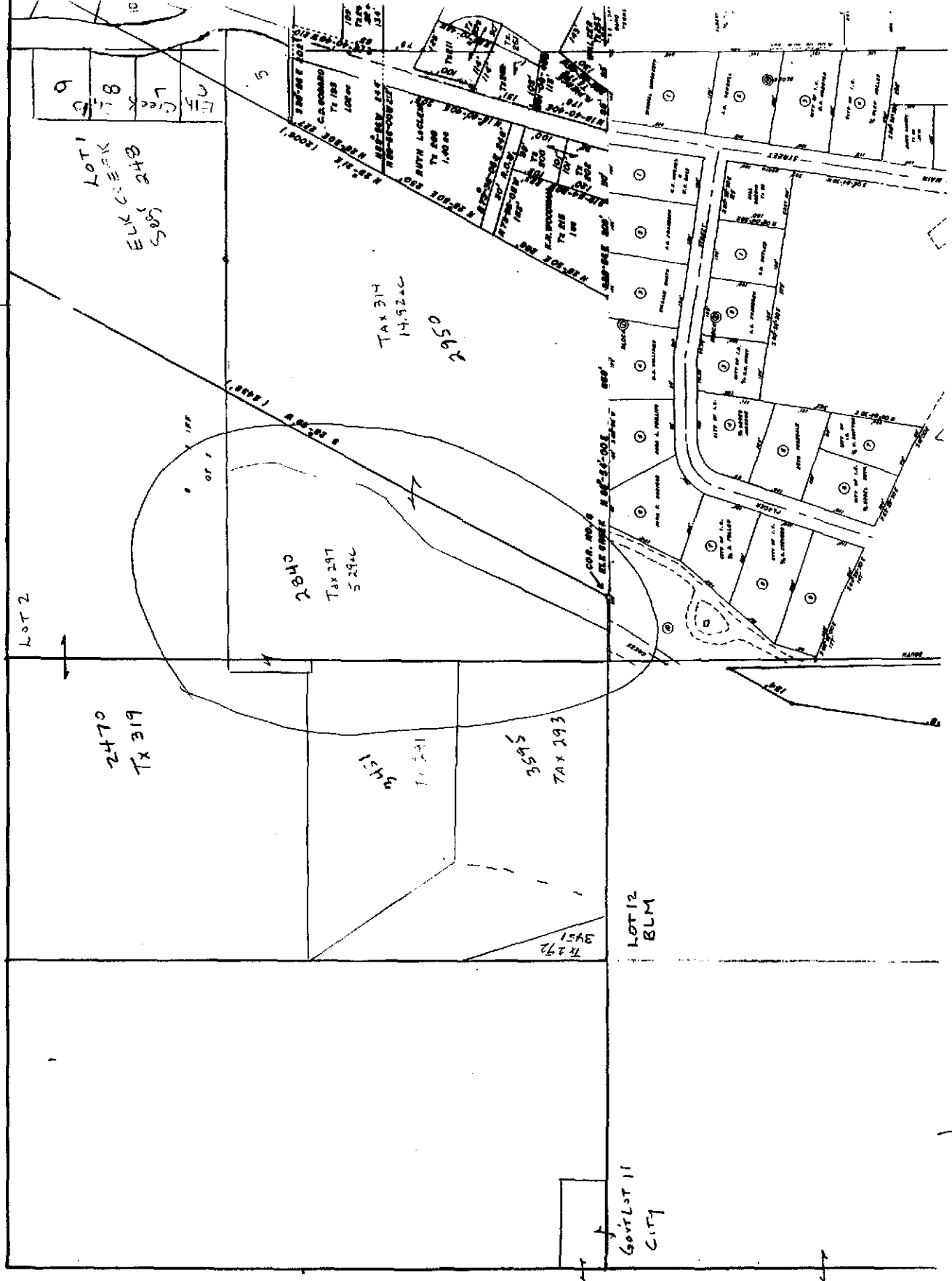
Commencing at a found brass cap monumenting the Northwest Corner of said Section 26, thence along the Westerly line of said Section 26 S. 00°00'06" W. a distance of 1315.90 feet to a found brass cap monumenting the Southwest Corner of the Northwest 1/4 of the Northwest 1/4 of said Section 26, thence leaving said Westerly line N. 89°11'45" E. a distance of 668.95 feet to a found steel pin set to mark the Northeast Corner of the West 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 26, thence N. 00°03'30" W. a distance of 651.65 feet to a set steel pin, thence N. 87°23'22" E. a distance of 644.80 feet to a set steel pin, said pin being THE REAL POINT OF BEGINNING.

Thence N. 00°45'04" E. a distance of 184.20 feet to a set steel pin,
Thence N. 89°45'37" E. a distance of 432.54 feet to a steel pin on the approximate center line of Elk Creek,
Thence along said approximate center line the following courses:

S. 14°02'59" E. a distance of 42.10 feet to a point,
Thence S. 03°26'47" E. a distance of 68.94 feet to a point,
Thence S. 17°45'24" W. a distance of 109.86 feet to a point,
Thence S. 07°31'35" W. a distance of 77.59 feet to a point,
Thence S. 31°24'01" W. a distance of 70.83 feet to a point,
Thence S. 48°12'59" W. a distance of 65.07 feet to a point,
Thence S. 44°22'23" W. a distance of 67.24 feet to a point,
Thence S. 26°27'02" W. a distance of 439.42 feet to a set steel pin at the intersection of said approximate center line with the Northerly line of the Idaho City Townsite, Thence leaving said approximate center line along said Northerly line S. 89°59'14" W. a distance of 52.20 feet to a found brass cap monumenting the Northwest Corner of the Idaho City Townsite, Thence leaving said Northerly line N. 00°06'50" W. a distance of 651.62 feet to a set steel pin,
Thence S. 87°23'22" W. a distance of 24.00 feet to THE REAL POINT OF BEGINNING.

This drawing is to be used only for reference purposes and the county is not responsible for any inaccuracies herein contained.





This drawing is to be used only for reference purposes and the county is not responsible for any inaccuracies herein contained.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JAN 28 1994

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 6 N Range 5 E
Section 26, 1/4 of NE 1/4 of NW 1/4, Govt. Lot 2, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet. - See attached Deeds

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A 63-04004A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Fred and Winifred Proffer (63-04004) and
Stefan Balent (63-04004A)
- ☐ New Owner/Claimant (Purchaser): Christine H. Schilling
- ☐ New Mailing Address: ~~1002 West Franklin~~ 1627 Williams St.
~~Boise, ID 83702~~ Boise Idaho 83706
- ☐ New Telephone Number: (208) 342 - 5926
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See attached Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Christine H. Schilling Date Jan 5, 1994
Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2-4-94 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 2-4-94 By: JD

Claim Numbers of Split, if any:

MICROFILMED

JUL 25 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

POOR ORIGINAL

WARRANTY DEED

FOR VALUE RECEIVED, STEFAN MONTGOMERY BALENT, an unmarried person on and since July 24, 1991, the date of acquiring title, Grantor, does hereby grant, bargain, sell and convey unto GERALD E. BROWN and CHRISTINE S. BROWN, husband and wife, Grantees, whose address is 1627 William, Boise, Idaho, the following described real property, located in Boise County, Idaho, to wit:

A tract of land situated in the Northwest quarter of Section 26, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, as more particularly set forth in legal description attached hereto and made a part hereof by reference, marked as Exhibit A and comprising one page.

Together with all water rights, ditches and ditch rights, reservoirs and reservoir rights, springs and spring rights, wells and well rights, both tributary and non-tributary, on under, appurtenant to or used on the lands herein described, including but not limited to, Idaho Department of Water Resources, Water Right Profile Report No. 63-04004; 0.04 CFS, 9/1/1951 Priority Date; Elk Creek as the water source for irrigation and domestic use on the lands herein described.

hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the Premises, with its appurtenances unto Grantees, Grantees' heirs, successors and assigns forever. It is Grantor's intention that all water rights associated with the transferred Premises be and are hereby conveyed to Grantee. And Grantor does hereby covenant to and with Grantees that Grantor is the owner in fee simple of the Premises; that the Premises is free from all liens, claims and encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantees; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all other lawful claims whatsoever.

MICROFILMED

JUL 25 1994

92 09:13AM FROM GIVENS JORSLEY

TO 3769106

P003/003

POOR ORIGINAL

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this 15TH day of June, 1992.

Stefan Montgomery Balent
STEFAN MONTGOMERY BALENT

STATE OF IDAHO)
) ss.
County of Ada)

On this 15TH day of June, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Stefan Montgomery Balent, known or identified to me to be the person whose name is subscribed 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.

Dea Don Davis
Notary Public for IDAHO
Residing at BOISE, IDAHO
My commission expires: 6-9-94

MICROFILMED

JUL 25 1994

POOR ORIGINAL

COMMITMENT FOR TITLE INSURANCE

SCHEDULE C

File Number: P112990/B

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

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 5 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP MONUMENTING THE NORTHWEST CORNER OF SAID SECTION 26, THENCE
ALONG THE WESTERLY LINE OF SAID SECTION 26 SOUTH 00 00'06" WEST A DISTANCE OF 1315.90 FEET TO A FOUND BRASS CAP MONUMENTING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, THENCE
LEAVING SAID WESTERLY LINE NORTH 89 11'45" EAST A DISTANCE OF 668.95 FEET TO A FOUND STEEL PIN SET TO MARK THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, THENCE
NORTH 00 03'30" WEST A DISTANCE OF 651.65 FEET TO A SET STEEL PIN, THENCE
NORTH 87 23'22" EAST A DISTANCE OF 644.80 FEET TO A SET STEEL PIN, SAID PIN BEING THE REAL POINT OF BEGINNING.

THENCE NORTH 00 45'04" EAST A DISTANCE OF 184.20 FEET TO A SET STEEL PIN, THENCE
NORTH 89 45'37" EAST A DISTANCE OF 432.54 FEET TO A SET STEEL PIN ON THE APPROXIMATE CENTER LINE OF ELK CREEK, THENCE
ALONG SAID APPROXIMATE CENTER LINE THE FOLLOWING COURSES:
SOUTH 14 02'59" EAST A DISTANCE OF 42.10 FEET TO A POINT, THENCE
SOUTH 03 26'47" EAST A DISTANCE OF 68.94 FEET TO A POINT, THENCE
SOUTH 17 45'24" WEST A DISTANCE OF 109.86 FEET TO A POINT, THENCE
SOUTH 07 31'35" WEST A DISTANCE OF 77.59 FEET TO A POINT, THENCE
SOUTH 31 24'01" WEST A DISTANCE OF 70.83 FEET TO A POINT, THENCE
SOUTH 48 12'59" WEST A DISTANCE OF 65.07 FEET TO A POINT, THENCE
SOUTH 44 22'23" WEST A DISTANCE OF 67.24 FEET TO A POINT, THENCE
SOUTH 26 27'02" WEST A DISTANCE OF 439.42 FEET TO A SET STEEL PIN AT THE INTERSECTION OF SAID APPROXIMATE CENTER LINE WITH THE NORTHERLY LINE OF THE IDAHO CITY TOWNSITE, THENCE
LEAVING SAID APPROXIMATE CENTER LINE ALONG SAID NORTHERLY LINE SOUTH 89 59'14" WEST A DISTANCE OF 52.20 FEET TO A FOUND BRASS CAP MONUMENTING THE NORTHWEST CORNER OF THE IDAHO CITY TOWNSITE, THENCE
LEAVING SAID NORTHERLY LINE NORTH 00 06'50" WEST A DISTANCE OF 651.62 FEET TO A SET STEEL PIN, THENCE
SOUTH 87 23'22" WEST A DISTANCE OF 24.00 FEET TO THE REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

MICROFILMED

BOISE COUNTY IDAHO SS
REQUEST OF

JUL 25 1994

Meta View Title
DATE TIME M.

143854

92 JUN 16 PM 4:17

ARLENE C. KOLAR

BY *Barbara L. Kolar*
DEPUTY

FEE 9.00

QUITCLAIM DEED

#147797

For Value Received

POOR ORIGINAL

NW1
26
6N5E

Gerald E. Brown

do hereby convey, release, remise and forever quit claim

unto Christine S. Brown, as her sole and separate property,

the following described premises, to-wit:

A tract of land situated in the Northwest quarter of Section 26, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho, as more particularly set forth in legal description attached hereto and made a part hereof by reference, marked as Exhibit A and comprising of one page.

Together with all water rights, ditches and ditch rights, reservoirs and reservoir rights, springs and spring rights, wells and well rights, both tributary and non-tributary, on under, appurtenant to or used on the lands herein described, including but not limited to, Idaho Department of Water Resources, Water Right Profile Report No. 63-04004; 0.04 CFS, 9/1/1951 Priority Date; Elk Creek as the water source for irrigation and domestic use on the lands herein described.

together with their appurtenances.

Dated:

6/28/93

Gerald E. Brown
GERALD E. BROWN

STATE OF IDAHO, COUNTY OF

On this 28th day of June, 1993,
before me, a notary public in and for said State, personally
appeared Gerald E. Brown,

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Wanda M. White
Notary Public

Idaho

BOISE COUNTY IDAHO
REQUEST OF

Christine S. Brown
DATE TIME

147797

93 JUN 28 PM 3

ARLENE C. KOLB

Arlene C. Kolb
DEPUTY

MICROFILMED 600

JUL 25 1994

POOR ORIGINAL

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 5 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP MONUMENTING THE NORTHWEST CORNER OF SAID SECTION 26, THENCE

ALONG THE WESTERLY LINE OF SAID SECTION 26 SOUTH 00 00'06" WEST A DISTANCE OF 1315.90 FEET TO A FOUND BRASS CAP MONUMENTING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, THENCE

LEAVING SAID WESTERLY LINE NORTH 89 11'45" EAST A DISTANCE OF 668.95 FEET TO A FOUND STEEL PIN SET TO MARK THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, THENCE

NORTH 00 03'30" WEST A DISTANCE OF 651.65 FEET TO A SET STEEL PIN, THENCE

NORTH 87 23'22" EAST A DISTANCE OF 644.80 FEET TO A SET STEEL PIN, SAID PIN BEING THE REAL POINT OF BEGINNING.

THENCE NORTH 00 45'04" EAST A DISTANCE OF 184.20 FEET TO A SET STEEL PIN, THENCE NORTH 89 45'37" EAST A DISTANCE OF 432.54 FEET TO A SET STEEL PIN ON THE APPROXIMATE CENTER LINE OF ELK CREEK, THENCE

ALONG SAID APPROXIMATE CENTER LINE THE FOLLOWING COURSES:

SOUTH 14 02'59" EAST A DISTANCE OF 42.10 FEET TO A POINT, THENCE

SOUTH 03 26'47" EAST A DISTANCE OF 68.94 FEET TO A POINT, THENCE

SOUTH 17 45'24" WEST A DISTANCE OF 109.86 FEET TO A POINT, THENCE

SOUTH 07 31'35" WEST A DISTANCE OF 77.59 FEET TO A POINT, THENCE

SOUTH 31 24'01" WEST A DISTANCE OF 70.83 FEET TO A POINT, THENCE

SOUTH 48 12'59" WEST A DISTANCE OF 65.07 FEET TO A POINT, THENCE

SOUTH 44 22'23" WEST A DISTANCE OF 67.24 FEET TO A POINT, THENCE

SOUTH 26 27'02" WEST A DISTANCE OF 439.42 FEET TO A SET STEEL PIN AT THE INTERSECTION OF SAID APPROXIMATE CENTER LINE WITH THE NORTHERLY LINE OF THE IDAHO CITY TOWNSITE, THENCE

LEAVING SAID APPROXIMATE CENTER LINE ALONG SAID NORTHERLY LINE SOUTH 89 59'14" WEST A DISTANCE OF 52.20 FEET TO A FOUND BRASS CAP MONUMENTING THE NORTHWEST CORNER OF THE IDAHO CITY TOWNSITE, THENCE

LEAVING SAID NORTHERLY LINE NORTH 00 06'50" WEST A DISTANCE OF 651.62 FEET TO A SET STEEL PIN, THENCE

SOUTH 87 23'22" WEST A DISTANCE OF 24.00 FEET TO THE REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

MICROFILMED

JUL 25 1994

Exhibit A

QUIT CLAIM DEED

GRANTOR: Christine S. Brown, a married woman dealing in her sole and separate property.

GRANTEE: Christine H. Schilling, whose address is 1002 W. Franklin St. Boise, Idaho.

DESCRIPTION OF REAL PROPERTY CONVEYED BY THIS DEED:

A tract of land in the NW quarter S26, T6N, R5E, Boise Meridian, Boise County, Idaho, more particularly described in Exhibit A hereto which is incorporated by reference herein.

Together with all water rights, ditches and ditch rights, reservoirs and reservoir rights, springs and spring rights, wells and well rights, both tributary and non-tributary, on, under, appurtenant to or used on the lands herein described, including but not limited to, Idaho Department of Water Resources, Water Right Profile Report No. 63-04004, 0.04 CFS, 9/1/1951 Priority Date; Elk Creek as the water source for irrigation and domestic use on the lands herein described.

FOR VALUE RECEIVED, the above-named Grantor does hereby convey, release, remise and forever quit claim unto Grantee, as her sole and separate property, the above-described premises, together with their appurtenances. This conveyance is to Grantee, and Grantee's heirs and assigns forever.

Dated: October 1, 1993.
~~September~~

Christine S. Brown
CHRISTINE S. BROWN

STATE OF IDAHO }
 } ss.

COUNTY OF ADA } October

On this 1st day of June, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared CHRISTINE S. BROWN, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

BOISE COUNTY IDAHO
REQUEST OF Christine Schilling

Dick C. Preshler
Notary Public for Idaho

DATE TIME

Residing at Boise

Commission expires 11-8-95

93 OCT -4 AM 9:18

MICROFILMED

149150

JUL 25 1994

ARLENE C. KOLAR

BY Dale Yaker

DEPUTY

FEE \$6.00

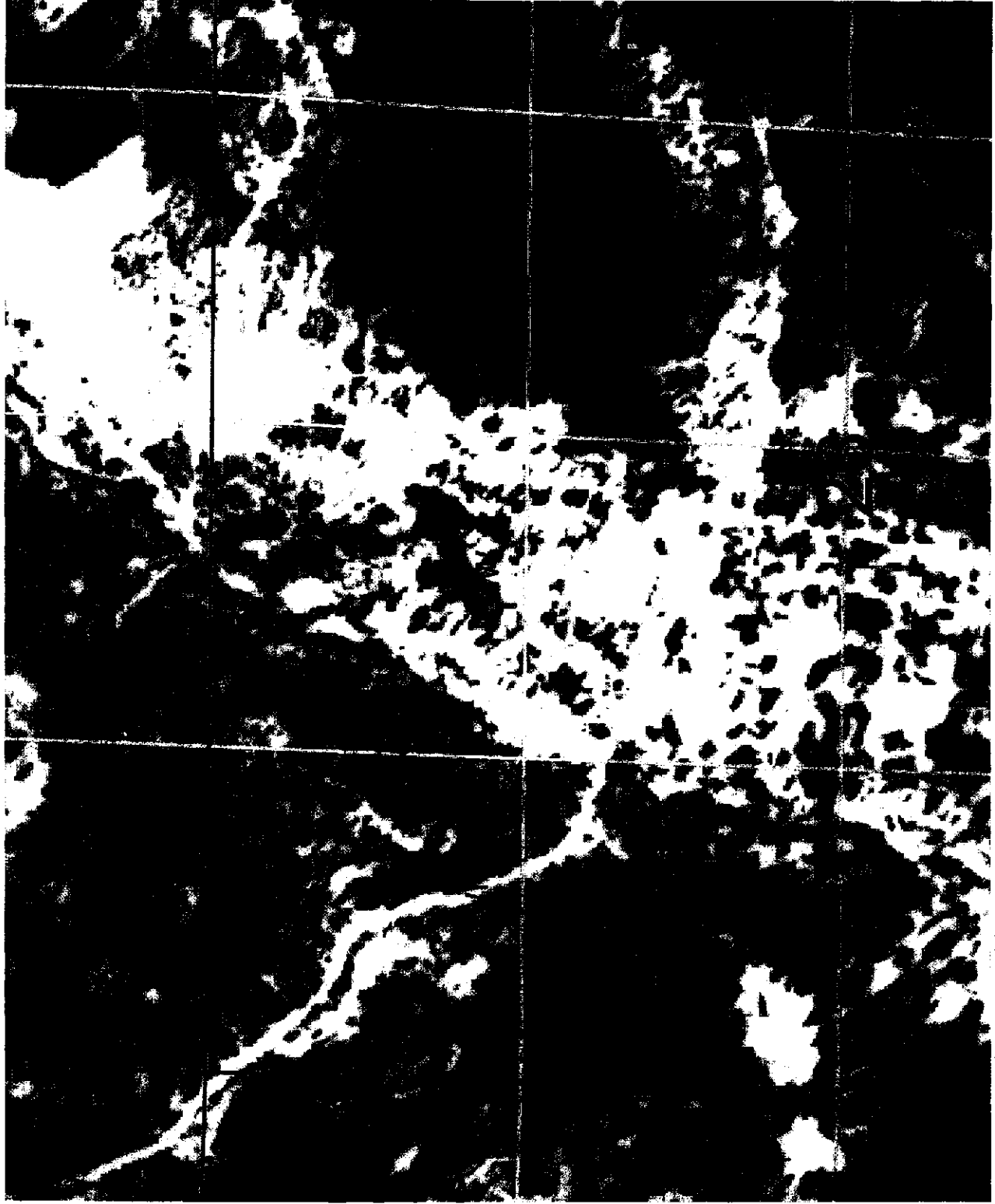
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-4004A
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
February 12, 2002

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet



1987 NAPP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-04004A - * Rec. As A63-04004 *

1. No Change NAME IS SAME ✓
NEW OWNER: _____
No Change ADDRESS ✓
NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: 09/01/1951
(If the priority date, based on your exam, seems questionable, explain below.)

Evidence submitted that supports claim as filed.

3. ✓ No Change — SAME SOURCE
Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

Township 6N Range 5E Section 26 1/4 _____ 1/4 NE 1/4 NW
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

Dam in stream (rock) to pool water for intake pipe.

1 1/2 HP Pump. AO SMITH motor Model No. C48172DC1A1.

Gould Motor Model No. GT15. Buried pipeline to POU.

6. No Change - WATER USES
Different uses, (list uses found):

Use IRR From 4/1 To 10/31 Amount .04 CFS AFA
Use From To Amount CFS AFA
Use From To Amount CFS AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount CFS AFA

Changes found, the new total is, Amount CFS AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: X Stock # List types:

Additional comments: IRRIGATION of 1 acre around each of two homes.

9. No Change — PLACE OF USE: (If changed, list below.)

Use: <u>IRR</u>	Township <u>6N</u>	Range <u>5E</u>	Section <u>26</u>	<u>1/4</u>	<u>NE 1/4</u>	<u>NW</u>	<u>1 ACRE</u>
Use: <u> </u>	Township <u> </u>	Range <u> </u>	Section <u> </u>	<u>1/4</u>	<u>NW</u>	<u>1/4 NW</u>	<u>1 ACRE</u>
Use: <u> </u>	Township <u> </u>	Range <u> </u>	Section <u> </u>	<u>1/4</u>	<u>1/4</u>	<u> </u>	<u> </u>
Use: <u> </u>	Township <u> </u>	Range <u> </u>	Section <u> </u>	<u>1/4</u>	<u>1/4</u>	<u> </u>	<u> </u>
							<u>2 ACRE</u> <u>TOTAL</u>

Remarks: (Comments pertinent to field examination) See additional attachment

Claimants live in original rental house and rent out

original home.

Date in stream is temporary due to low flow conditions

during summer of 2001.

SYSTEM DIAGRAM INCLUDED

(NA)

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 11/11/2001

FIELD EXAMINER: MARIA MINICUCCI

Print Name

[Signature]
Signature

NENW

TAILINGS

30404

HAWKPO

30398

017

WOODCOCK

WHSN2 (100) WILSON

ECITY

NWNW



Disregard
the
lines

SRBA Claim Number A63-4004

Date of Photos 10/11/2001

Photographer N NINICCCI

Legal Description T6NR5E S26 NENW

① Point of Diversion

Screened intake
on black plastic
pipe.



② Pump located
at diversion.

Buried pipelines
to flow.



SRBA Claim Number A63-4004

Date of Photos 10/11/2001

Photographer J. J. Nicucci

Legal Description T6N R5E S26

③ Place of use

NENW

Original home, now
rental unit.



④ Place of use

NWNW

Corner of home
visible in left
edge of photo.

Buried pipe to
sprinkler heads.

Low use this
year due to
drought.



SEC 26 T6N R5E

LOT 2

LOT 1

F. & W. PROFFER
E 1/2 NW 1/4
80.00

F. & W. PROFFER
LOT 2

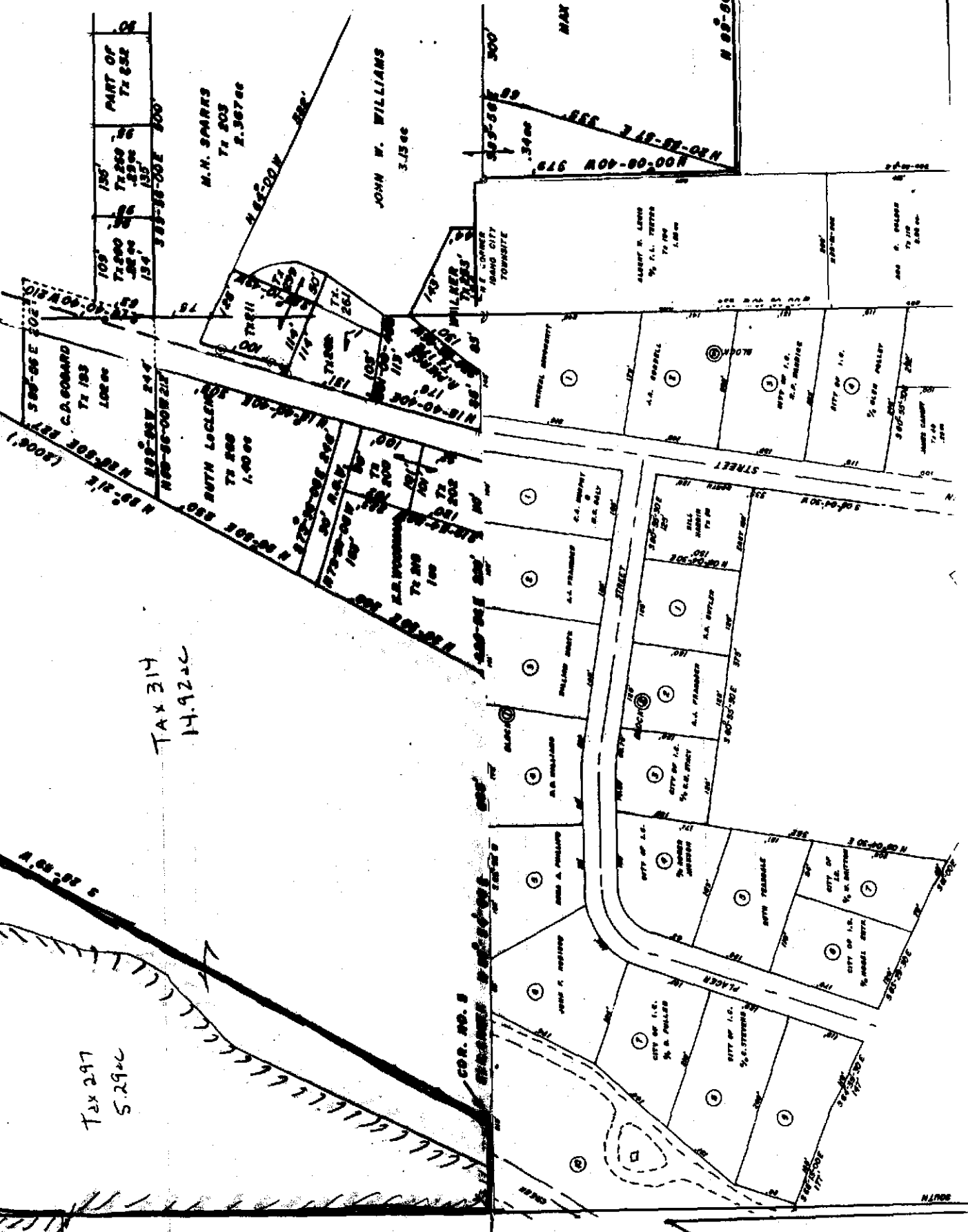
F. & W. PROFFER
2000 (IN SECT. 26)
TRACT 'A'

OF MINERAL SURVEY 1903

Lot 2
BACENT - New Wilson Building
ELK CREEK CORP
Now Hawk's

Tax 297
5.2900

Tax 314
14.9200



Department of Water Resources
Bureau of Land Management

JUN - 4 1992

12/11/2001

Conv. w/ Bert + Wilson @ City Hall.

Buried culvert is for domestic use for
Proffer home

Life in creek is for irrigation of Proffer
home + Proffer rental, now Breiding/Wilson
rental + Breiding/Wilson game

SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. A63-04004A

2 diversions

1 diversion is perforated culvert set vertically
in streambank, & piped to white house for use
externally & internally. PVC pipe

A63-
29726

2nd diversion is → 04004A

ADSMITH ~~Turn~~ Rotar 1 1/2

Model No C48M2DC1A1

Gould Model No. 6715

Photo 6: Pump: Div. 2

B+7: POU NO2 Small dam ~~at~~ for buried pipe w/screen

9: Culvert for No. 1

10: Pump POU No. 1 All buried

Century Motor 7-151827-01

1.0 HP

Jacuzzi Pump

A63-
29726

H₂O-W-TD Pressure Tank Model H744 Serial No. 950814

11: POU white house

**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63-04004 A

Contact Person Beth Wilson / PT Breiding 392 4497

Date/Time of Exam OCT ~~10~~ 11 10:00

IDWR Employee/Agent M. Minicucci

Directions to Property #8

MAIN ST TO School /
L of Centerville Rd
Cross Elk Creek
1st right : Proffer Lane
1st House

Info to determine measurement method

Miscellaneous 9/19/2001: left msg on machine
9/24/2001: left msg on machine

RECEIVED

JAN 28 1994

WATER RESOURCES
WESTERN REGION

AFFIDAVITS

IN SUPPORT OF CLAIM TO WATER RIGHT

CLAIM NO. A 63-04004A

STATE OF IDAHO)
 : ss.
County of Ada)

I, SHERRILD MILLS, being first duly sworn on oath deposes and states as follows:

1. I am the nephew of Winifred Proffer. Winifred Proffer was married to Fred Proffer and they are both now deceased.

2. Winifred Proffer filed a claim to water right under Idaho Code, Section 42-244 (formerly 42-225b). A copy of the claim is attached as Exhibit A and is incorporated as if set out in full. The claim refers to two water rights, one for irrigation from Elk Creek and the other for domestic use from a well. The priority date claimed is September, 1951.

3. I am familiar with the uses made by Fred and Winifred Proffer as asserted in the claim. Both uses were established in September, 1951 which was after they moved a house on the property and started living there year-round. The use of the two sources of water by Fred and Winifred Proffer are correctly described in the claim, and those uses continued in that fashion through to the date of Winifred Proffer's death, the 1 day of MAY, 1974. The land upon which the water was used for domestic purposes and for irrigation is that described in the attached Deed from the estate of Winifred Proffer Inque H. Olson, Jr., and Marion F. James, Exhibit B.

DATED this 1-20-94 day of January, 1994.

Sherrild Mills
Sherrild Mills

SUBSCRIBED AND SWORN TO before me this 20th day
January, 1994.

Janeth M. Bengler
Notary for the State of ~~Idaho~~ Arizona
Residing at Yuma, AZ ~~Idaho~~
My Commission expires: 6/13/97



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 15, 2001

PATTI JO BREIDING
PO BOX 131
IDAHO CITY, ID 83631

Re: Claim No(s). 63-4004A

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 26, 1997

Re: Notices of Claim to a Water Right Nos. A63-04004A, A63-15191,
A63-29726

BETH A WILSON
PATTI JO BREIDING
PO BOX 131
IDAHO CITY ID 83631

Dear Ms. Wilson & Ms. Breiding:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosures

MEMORANDUM

June 19, 1995

TO: FILES A63-04004A & A63-29726

FROM: KAY WALKER *KW*

RE: FIELD WORK

Chris Shilling called the office this morning regarding the field exam to be done on her place in Idaho City. I told her we may be in that area late this summer or next spring. She really wants to be there when we do our field work.

Her phone number is 342-5926 and voice message will come on after 8 rings. She will be out of the area from July 21 through August 12 so we won't be able to contact her during that period of this summer.

MICROFILMED
OCT 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

*10-5-94 spoke with Mr. Collins
(attorney); he gave C-O to K. Walker.
336-5300*

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

10-5-94

*Kay Walker will fix data
base; claim on shelf and
complete*

September 27, 1994

Christine H. Schilling
1627 Williams St.
Boise, ID 83706

Re: Snake River Basin Adjudication (SRBA)
Claim No(s): **A63-04884A**

Dear Claimant,

Our office is currently reviewing claims in your area for recommendation in the Snake River Basin Adjudication. Our records indicate that you may have contacted our office concerning the claim noted above. This claim was never completed.

There may be several reasons why the claim was not completed. You may have chosen not to complete the claim or it may have been an oversight. We would appreciate a response if you feel you wish to claim the right in question.

We have included a summary of the claim; please review this report. If you wish further information about the claim or the claim process, please call my office at (208)327-7925. If I do not receive a response within 30 days, I will assume that you have no further interest in the claim listed above. Thank you for your cooperation.

Sincerely,

Roxanne McCarthy

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:r
Enclosure
computer summary of claim(s)

MICROFILMED
OCT 07 1996

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

October 5, 1994

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

RECEIVED

OCT 6 1994

Department of Water Resources

Ms. Roxanne McCarthy
Sr. Water Resource Agent
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse Mail
Boise, ID 83720-9000

RE: SRBA, Claim No. A63-04004A-Christine H. Schilling

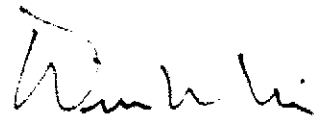
Dear Ms. McCarthy:

The purpose of this letter is to confirm our telephone discussion of today. I called you regarding the above claim and your letter to my client of September 27, 1994 stating that your records did not show that the above claim had been completed. You told me that there must be some error and you would get back in touch with me if anything further needed to be done.

Rather than to leave things somewhat undone, I am enclosing a copy of the claim which was initially filed by Stefan Balent. I believe the enclosure comprises all of the items in the claim file at the regional office as of December 3, 1993. This was the date I obtained these copies from the file. Apparently that file must be now misplaced. I am also enclosing for your information a copy of my cover letter to the regional office dated January 28, 1994 without the enclosures. This may aid you in locating the file since your last letter to Ms. Schilling reflected the change of ownership of the Balent claim as stated in my letter.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.



William D. Collins

WDC:cp

Enclosures

cc Christine H. Schilling

MICROFILMED
OCT 07 1996

COMMUNICATION DOCUMENTATION

Claim No. A63-04004A

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kay Date 10-5-94
Contact Person(s) Roxanne

Nature of Contact Claim on Host temp.
file

Substance of Communication Updated temporary
flag to permanent flag
this date.

DO NOT FILM

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A63-040044

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent T. Minicucci Date 07/05/1994

Contact Person(s) Chris Schilling

Nature of Contact Request for update on status of
claim

Substance of Communication There is a duplicate filing
on the statutory right. Mrs. Schilling owns
the original home, & is concerned that
she is able to see the right as recommended
before it goes to the court. She also wanted to
make sure that all documents (from her lawyer) had
been filed. I explained the Notice of Error
procedures & verified the documents from her
lawyer. I explained we would contact her for a
field exam this summer or next spring.

Also - she does not have an answering machine -
please let the telephone ring a while. 1st thing in the
morning is the best time to call.

MICROFILMED

JUL 25 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 4, 1994

Re: Notice of Claim to a Water Right No. A63-04004A

Christine H. Schilling
1627 Williams St.
Boise, ID 83706

Ms. Schilling:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

cc: Stefan Balent

MICROFILMED
JUL 25 1994

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW

733 NORTH SEVENTH STREET

P.O. BOX 2836

BOISE, IDAHO 83701-2836

RECEIVED

JAN 28 1994

WATER RESOURCES
WESTERN REGION

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

January 28, 1994

HAND DELIVERED

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RE: SRBA Claim No. A 63-04004A and Notice of Claim to a Second
Water Right for Domestic Purposes from a Hand Dug Well

Dear Sir or Madam:

I am enclosing on behalf of my client, Christine H. Shilling
the following instruments:

Notice of Change of Ownership, Claim No. A 63-04004A and

Notice of Claim to a Water Right for Domestic Purposes

Affidavit in Support of Claim to Water Right, Claim No. A 63-
04004A

Our firm check in the amount of \$25.00

Your files will show that Winifred Proffer filed a claim to a
water right under Idaho Code Section 42-244 (formerly 42-225(b)) in
1967). This claim was assigned No. A 63-04004. A close reading of
this claim will show that Mrs. Proffer was claiming two water
rights, one from Elk Creek for irrigation and domestic purposes and
a second water right as a result of a hand dug well which was for
water used in the residence on her property.

You will see that Mr. Stephan Balent had filed the claim in
the SRBA asserting ownership of the Elk Creek right claimed by Ms.
Proffer. His claim was eventually assigned No. A 63-04004A. The
parcel of property on which he was claiming the beneficial use was
sold by him to my client. A complete chain of title from the
estate of Winifred A. Proffer to my client is attached as part of
the exhibits to the Notice of Claim to a Water Right I have
enclosed.

MICROFILMED

JUL 25 1994

Your files will also show that Elk Creek Corporation filed a claim in the SRBA which asserted a claim to the water right claim filed by Ms. Proffer. Elk Creek's claim was assigned No. A 63-04004B. It was noted by your office in both file A 63-04004A and file A 63-04004B that there were duplicate claims being filed.

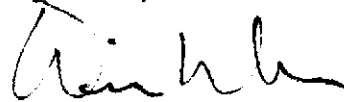
To help alleviate the confusion of these two separate filings on the same claim made by Winifred Proffer, I am enclosing the affidavit of her nephew and personal representative of her estate, Sherrild Mills. Mr. Mills states in the affidavit that the water right claim filed by Ms. Proffer was for use on the property acquired by Mr. Ballant and now owned by my client. That affidavit also corroborates the priority claimed by Ms. Proffer and substantiates the priority claimed by my client in the new claim to a water right which is enclosed.

I understand that you might be inspecting the uses of water this coming summer. Prior to inspecting the use, I would appreciate your contacting my client, her address is 1627 Williams Street, Boise, Idaho 83706.

If there are any questions or you feel that the enclosures are inadequate in any respect please contact me immediately.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:sh

cc: Christine H. Schilling

MICROFILMED

JUL 25 1994

POOR ORIGINAL

Identification No. 63-4004

Claim No. 42119

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant FRED OR WINIFRED PROFFER
post office address Idaho City - Idaho 83631
2. The point of diversion is in Lot 2 $\frac{1}{4}$ of 1/4 Section 26 Township 6 N
Range 5 E B.M. located on ELK CREEK
(name of source)
tributary to MORES CREEK in Boise County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: Sept - 1951

IRRIGATION & Domestic use amount: .04 c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

Total claimed .04 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic period of use from Jan 1 to Dec 31 (both dates inclusive)

use IRRIGATION period of use from May to Oct (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____

_____ length is _____ feet; height is _____ feet

width at bottom is _____ feet width at top is _____ feet explain any increase and decrease in width

city some structure as for holding water and estimated capacities if known _____

May to October 1/4 pump use for garden, lawn and
General Irrigation

b. Underground water diverting works: is well flowing or pumped Pumped; depth of well _____

15 feet; diameter of well is 3' x 3' inches; type of pump is High Pressure

capacity of pump is .04 c.f.s. g.p.m.; name and address of well driller is NONE

MICROFILMED

JUL 25 1994

EXHIBIT A

POOR ORIGINAL

6. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch

The other users and their respective

interests in the ditch are (if known)

6. Where water is used for stock watering, give number of each kind of stock watered 1 horse

7. Where water is used for domestic or municipal purposes give number of families served two

name of town supplied

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. store water

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

We have a dug well for domestic use and pump from the creek for irrigation

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

11-8-67
(Date)

Winfred P. Pfeffer
(Signature of Claimant)

State of Idaho
County of Caribou ss.

On this 8 day of November 1967, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John B. Grogan
Notary Public residing at Idaho City, Idaho

My commission expires 8-25-67

For Department Use Only

Received by ef Date 11-9-67

Exception filed by:

Forwarded to
claimant by:

MICROFILMED
Date

JUL 25 1994

Prelim. check by DeWitt Date Nov 7 67

Fee received by ef Date 11-8-67 Fee \$ 10.00

Approved for publication by KS 11-8-67

Published in Idaho World Dates 11-16, 23-67

EXHIBIT A

WARRANTY DEED

For Value Received

SHERRILD MILLS, PERSONAL REPRESENTATIVE OF
THE ESTATE OF WINIFRED PROFFER DECEASED

POOR ORIGINAL

the grantor , does hereby grant, bargain, sell and convey unto

INGVE H. OLSON, JR. and MARION F. JAMES, both single persons

the grantees , whose current address is

P.O. Box 326
Idaho City, Idaho 83631

the following described premises, in Boise, ... County Idaho, to-wit:

A tract of land situated in the Northwest 1/4 of Section 26, Township 6 North,
Range 5 East, Boise Meridian, Boise County, Idaho more particularly described
in Exhibit "A" attached hereto and made apart hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees ,
their heirs and assigns forever. And the Grantor does hereby covenant to and
with the said Grantees , that they are the owners in fee simple of said premises; that they are free from all
encumbrances except current years taxes, irrigation district assessments, public
utility easements, subdivision restrictions and U.S. patent reservations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 1985

Sherrild Mills
Sherrild Mills, Personal Representative of
the Estate of Winifred Proffer

STATE OF IDAHO, COUNTY OF Ada

On this 15th day of May, 1985,
before me, a notary public in and for said State, personally
appeared Sherrild Mills, known or identified

to me to be the person whose name is
subscribed to the within and foregoing
instrument as Personal Representative of
the Estate of Winifred Proffer, deceased,
and acknowledged to me that he executed the
same as such Personal Representative.

STATE OF IDAHO, COUNTY OF Boise

I hereby certify that this instrument was filed for record at the request
of MTN. VIEW

At 10 minutes past 2:00 o'clock P. m.,
this 16 day of MAY
1985, in my office, and duly recorded in Book FILMED
of Deeds at page

ARLENE C. KOLAR

Ex Officio Recorder

By Donna E. Roddy

Fees \$ 4.00

Mail to:

Residing at
Comm Expires

Notary Public

Idaho



First American Title Company of Idaho

INSTRUMENT NO.

1657

MICROFILMED

JUL 25 1985

EXHIBIT B

Exhibit A

Tract Four

A tract of land situated in the Northwest $\frac{1}{4}$ of Section 26, Township 6 North, Range 5 East, Boise Meridian, Boise County, Idaho described as follows:

Commencing at a found brass cap monumenting the Northwest Corner of said Section 26, thence along the westerly line of said Section 26 $S00^{\circ}00'06''W$ a distance of 1315.90 feet to a found brass cap monumenting the Southwest Corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 26, thence leaving said westerly line $N89^{\circ}11'45''E$ a distance of 668.95 feet to a found steel pin set to mark the Northeast Corner of the West $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 26, thence $N00^{\circ}03'30''W$ a distance of 651.65 feet to a set steel pin, thence $N87^{\circ}23'22''E$ a distance of 644.80 feet to a set steel pin, said pin being the Real Point Of Beginning.

Thence $N00^{\circ}45'04''E$ a distance of 184.20 feet to a set steel pin,
 Thence $N89^{\circ}45'37''E$ a distance of 432.54 feet to a set steel pin on the approximate center line of Elk Creek,
 Thence along said approximate center line the following courses:
 $S14^{\circ}02'59''E$ a distance of 42.10 feet to a point,
 Thence $S03^{\circ}26'47''E$ a distance of 68.94 feet to a point,
 Thence $S17^{\circ}45'24''W$ a distance of 109.86 feet to a point,
 Thence $S07^{\circ}31'35''W$ a distance of 77.59 feet to a point,
 Thence $S31^{\circ}24'01''W$ a distance of 70.83 feet to a point,
 Thence $S48^{\circ}12'59''W$ a distance of 65.07 feet to a point,
 Thence $S44^{\circ}22'23''W$ a distance of 67.24 feet to a point,
 Thence $S26^{\circ}27'02''W$ a distance of 439.42 feet to a set steel pin at the intersection of said approximate center line with the northerly line of the Idaho City Townsite,
 Thence leaving said approximate center line along said northerly line $S89^{\circ}59'14''W$ a distance of 52.20 feet to a found brass cap monumenting the Northwest Corner of the Idaho City Townsite,
 Thence leaving said northerly line $N00^{\circ}06'50''W$ a distance of 651.62 feet to a set steel pin,
 Thence $S87^{\circ}23'22''W$ a distance of 24.00 feet to the Real Point of Beginning.

Tract Four

A tract of land situated in the Northwest 1/4 of Section 26, T. 6N., R. 5E., B.M., Boise County, Idaho, described as follows:

Commencing at a found brass cap monumenting the Northwest Corner of said Section 26, thence along the westerly line of said Section 26 S. 00°00'06" W. a distance of 1315.90 feet to a found brass cap monumenting the Southwest Corner of the Northwest 1/4 of the Northwest 1/4 of said Section 26, thence leaving said westerly line N. 89°11'45" E. a distance of 668.95 feet to a found steel pin set to mark the Northeast Corner of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 26, thence N. 00°03'30" W. a distance of 651.65 feet to a set steel pin, thence N. 87°23'22" E. a distance of 644.80 feet to a set steel pin, said pin being the real point of beginning.

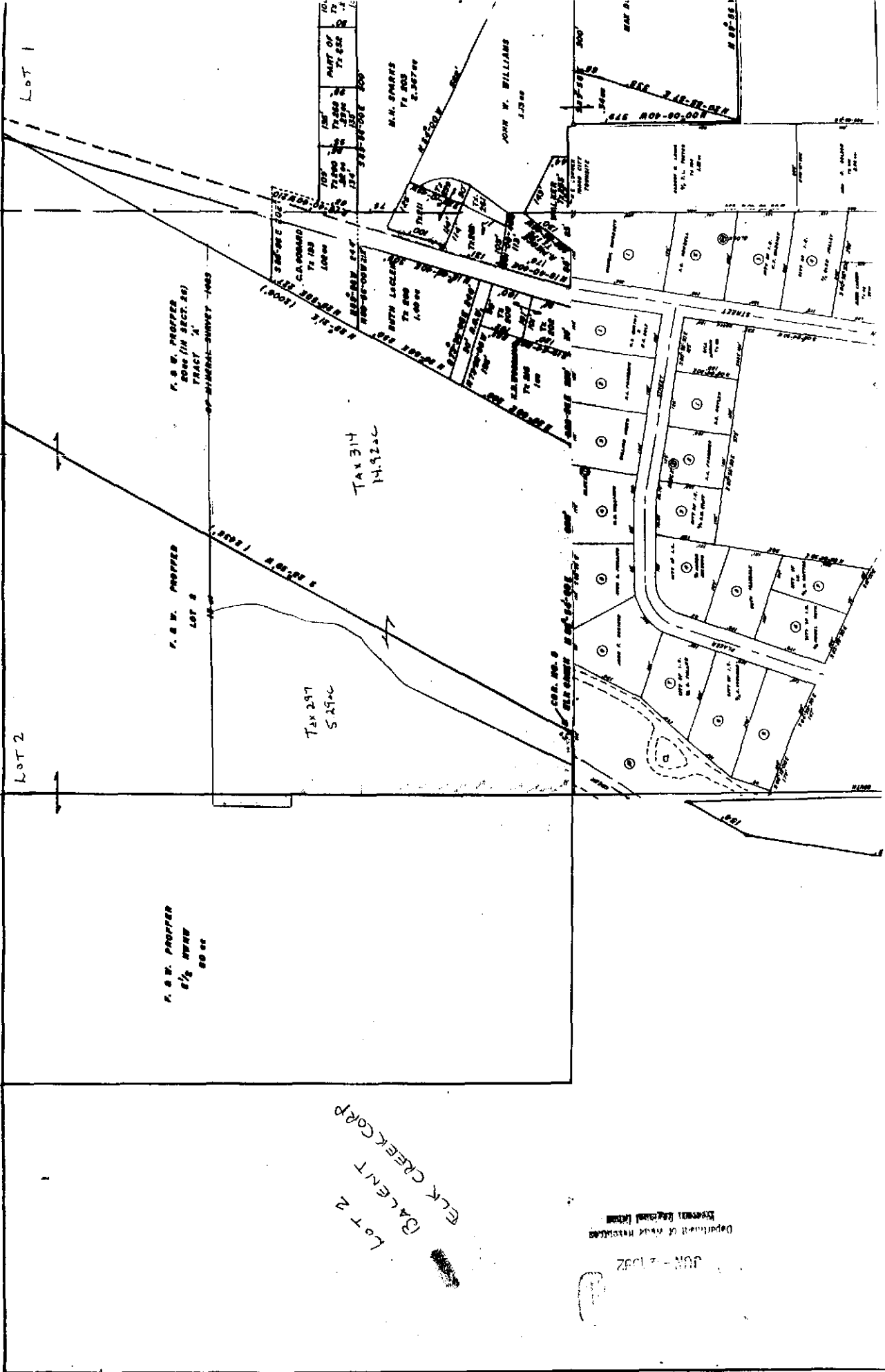
Thence N. 00°45'04" E. a distance of 184.20 feet to a set steel pin,
Thence N. 89°45'37" E. a distance of 432.54 feet to a set steel pin on the approximate center line of Elk Creek,
Thence along said approximate center line the following courses:
S. 14°02'59" E. a distance of 42.10 feet to a point,
Thence S. 03°26'47" E. a distance of 68.94 feet to a point,
Thence S. 17°45'24" W. a distance of 109.86 feet to a point,
Thence S. 07°31'35" W. a distance of 77.59 feet to a point,
Thence S. 31°24'01" W. a distance of 70.83 feet to a point,
Thence S. 48°12'59" W. a distance of 65.07 feet to a point,
Thence S. 44°22'23" W. a distance of 67.24 feet to a point,
Thence S. 26°27'02" W. a distance of 439.42 feet to a set steel pin at the intersection of said approximate center line with the northerly line of the Idaho City Townsite, Thence leaving said approximate center line along said northerly line S. 89°59'14" W. a distance of 52.20 feet to a found brass cap monumenting the Northwest Corner of the Idaho City Townsite,
Thence leaving said northerly line N. 00°06'50" W. a distance of 651.62 feet to a set steel pin,
Thence S. 87°23'22" W. a distance of 24.00 feet to the real point of beginning.

SUBJECT TO THAT CERTAIN DEED OF TRUST executed by Ingve H. Olson, Jr. and Marion F. James in favor of Sherrild Mills, Personal Representative of the estate of Winifred Proffer, deceased, recorded May 16, 1985 as Instrument no. 116960, records of Boise County, Idaho.

MICROFILMED

JUL 25 1994

SEC 26 T6N R5E



Department of State Resources
Inventory National System

JUN - 1992

ELK CREEK CORP
LOT 2
BALENT

MEMORANDUM

DATE: 22-Dec-1992 10:44

TO: FILES A63-04004A & A63-04004B

FROM: KAY WALKER *KW*

RE: OWNERSHIP OF ORIGINAL STATUTORY CLAIM

Pursuant to the duplicate claims filed on the original statutory claim, I requested information on the ownership of the property in question. I did not receive any response to my query from Elk Creek Corporation. Mr. Balent responded saying that he is the owner of the original house and water system that was developed by Fred and Winifred Proffer.

This matter should be reviewed further when we are working in Basin 63.

MICROFILMED

JUL 25 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 22, 1992

RE: Notice of Claim No. A63-04004A

Stefan Balent
P.O. Box 295
Idaho City, ID 83631

Department of Water Resources
Western Regional Office

Dear Mr. Balent:

Processing of your Notice of Claim to Water Right, as referenced above, has revealed duplicate filings for this water right. This appears to be an inadvertent error that we would like to clarify at this time. Enclosed, for your convenience is a copy of your claim. The following information will allow us to correct this error:

1. Please mark the appropriate item regarding the described property and water right. Are you the:

Current Owner ☒
Previous Owner ☐
Other ☐

If "Other", please explain: _____

2. If you are the previous owner, please give the name of the new owner (as far as you know):

New Owner: _____

3. Do you believe that you own a portion of this water right?

Yes ☒ No ☐

If yes, please explain and enclose proof of ownership: _____

This is on house & water system of Lot 2

Note: Proof of ownership must describe either the property conveyed (as in a sales contract or deed) or include the claim number, if no legal description is listed.

If you are the previous owner, and did not withhold the water right in the sale, the new owner should be making the filing. If you filed in error, you may use the enclosed Request for Withdrawal form to correct this duplicate filing.

MICROFILMED

JUL 23 1992

I apologize for any inconvenience, however, in order to protect your water right, the Notice of Claim must be accurate. If you would return this letter by June 22, 1992, we will proceed with the necessary corrections. Please do not hesitate to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures: Copy of Original Claim
Request for Withdrawal form

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JUL 25 1994

SEC 26 T6N R5E

LOT 2

LOT 1

F. & W. PROPPER
2 1/2 NW 1/4
80 AC

F. & W. PROPPER
LOT 2

F. & W. PROPPER
30 AC (IN SECT. 26)
TRACT 'A'
OF MINERAL SURVEY 1903

Tax 297
5.29 AC

Tax 314
14.92 AC

LOT 2
BACANT CORP
ELK CREEK CORP

Department of Water Resources
Western Regional Office

JUN - 4 1992