

M

MELODIE L. BAKER
HC 68 BOX 304
CLAYTON ID 83227
PHONE & FAX: 208-838-2440
CELL: 208-940-0535
EMAIL: wmbaker@custertel.net

RECEIVED

AUG 20 2009

DEPARTMENT OF
WATER RESOURCES

August 17, 2009

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
ATTN: CRAIG SAXTON
PO BOX 83720
BOISE ID 83707-9815

RE: Change of Ownership and Split of Water Right 73-172
By Troy and/or Maurene Ziegler

Dear Mr. Saxton:

Enclosed you will find the form for a change of Notice of Change in Water Right Ownership and the supporting documents for that form for water right 73-172 applied for by Troy and Maurene Zielger.

Your assistant met with Troy and me on Wednesday and helped us organize the information presented here. She did not say there was a fee with this application, nor with the application we left with her that day. If there is a fee, please let me know. My contact information is provided above.

Thank you,



Melodie L. Baker, Bookkeeper for the Zieglers

RECEIVED

AUG 20 2009

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

DEPARTMENT OF
WATER RESOURCES

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	73-172	yes			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	Wayne E. Cunningham and Lorna M. Cunningham HC 62 Box 2150 May Idaho 83253
4. New Owner/Claimant(s)	Troy Ziegler and/or Maurene Ziegler
	Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address	HC 61 Box 3080
City, State and ZIP Code	Challis Idaho 83226
New Telephone Number	(208) 876-4123 Email: _____

5. Date you acquired the property

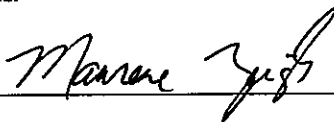
October 16, 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>73-172</u>		
Irrigation ☒		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

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



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. SRB 8-20-2009
 Receipt No. _____
 WR _____ Date _____

WARRANTY DEED

For Value Received

WAYNE E. CUNNINGHAM and LORNA M. CUNNINGHAM, husband and wife,
the grantor s, do hereby grant, bargain, sell and convey unto

LEON J. ZIEGLER and ILA K. ZEIGLER, husband and wife,
whose current address is

May, Idaho 83253

the grantee s, the following described premises, in.....Custer...County Idaho, to wit:

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25 in Township 13 N.,
Range 23 E. of the Boise Meridian, Custer County,
Idaho. . .

TOGETHER WITH:

35 inches - with a priority of July 8, 1885 -
Pahsimeroi River and Tributaries.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

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

Dated: June 23, 1980

Wayne E. Cunningham

Lorna M. Cunningham

STATE OF IDAHO, COUNTY OF Custer
On this 23 day of June 19 80
before me, a notary public in and for said State, personally
appeared

Wayne E. Cunningham and Loran M.
Cunningham, husband and wife

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that

No. 154792
STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of America Land Title
at 3:15 o'clock PM. 7-27980
and duly filmed and indexed in the Records of Custer.

LEON J. ZIEGLER and ILA K. ZEIGLER, husband and wife,
whose current address is

May, Idaho 83253

the grantee s, the following described premises, in.....Custer.....County Idaho, to wit:

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25 in Township 13 N.,
Range 23 E. of the Boise Meridian, Custer County,
Idaho. . .

TOGETHER WITH:

35 inches - with a priority of July 8, 1885 -
Pahsimeroi River and Tributaries.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

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

Dated: June 23, 1980

Wayne E. Cunningham

Lorna M. Cunningham

STATE OF IDAHO, COUNTY OF Custer
On this 23rd day of June 19 80
before me, a notary public in and for said State, personally
appeared

Wayne E. Cunningham and Loran M.
Cunningham, husband and wife

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Residing at Salmon, Idaho
Comm. Expires 2/15/82

Notary Public

No. 154792
STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of American Land Title
at 3:15 o'clock PM. 7-21-80
and duly filmed and indexed in the Records of Custer.

HOWARD A. BAXTER
Ex-Officio Recorder
By Diana Woodward
Fees 2.00
ALT

WARRANTY DEED

FOR VALUE RECEIVED, LEON J. ZIEGLER, also sometimes known as LEON JOE ZIEGLER, and ILA K. ZIEGLER, husband and wife, Grantors, do Grant, Bargain, Sell and Convey unto BEREND FRIEHE and CARLA FRIEHE, husband and wife, Grantees, whose current address is 2498 Road S NE, Moses Lake, Washington 98837, the following described premises, in Custer County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED

Together with all water rights and appurtenances and together with an easement for ingress and egress, thirty (30) feet in width, lying adjacent to and immediately south of the north boundary line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 13 North, Range 23 East, Boise Meridian, Custer County, Idaho, from the point of intersection of such boundary with the county road; thence running from such point west to the northwest corner of such SE $\frac{1}{4}$ NW $\frac{1}{4}$ subject, however, to the condition that this easement will only be activated, and thereafter used, in the event that the existing access across public land lying on the north side of, and along such described boundary line, is closed after reasonable notice and opportunity given Grantors, or successors, to object to such closure.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their successors, administrators and assigns forever. And the said Grantors do 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 save and excepting therefrom all covenants, conditions, easements and restrictions of record, as recorded in the records of Custer County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: APRIL 4, 2003

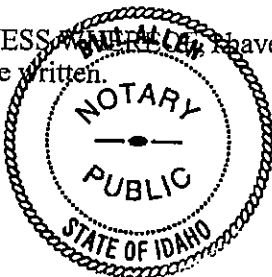
Leon J. Ziegler
Leon J. Ziegler

Ila K. Ziegler
Ila K. Ziegler

STATE OF IDAHO)
) :ss
County of LENIHI)

On this 4th day of APRIL, 2003, before me, a Notary Public in and for said State, personally appeared LEON J. ZIEGLER and ILA K. ZIEGLER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



[Signature]
Notary Public
My Commission Expires: 2-19-09

EXHIBIT "A"

TOWNSHIP 13 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO.

SECTION 7: Lot 1

AND

TOWNSHIP 13 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO.

SECTION 25: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

SECTION 30: Lots 2 & 11, SE $\frac{1}{4}$, NW $\frac{1}{4}$

SECTION 35: E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, AND E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM: A portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 13 North,
Range 24 East, Boise Meridian, Custer County Idaho, more particularly described as follows:

Beginning at the NE Corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, run thence South 00°21'00" West,
the Basis of Bearing of this description, to the Center quarter corner of said Section 30,
1321.98 feet; thence South 89°54'00" West along the south line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section
30, 1315.80 feet to the intersection of said south line and the extension of a north-south running
fence; thence North 00°18'30" East along said fence line, 1322.55 feet to the intersection of
the extension of said fence and the north line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30; thence North
89°55'31" East along said northerly line, 1316.76 feet to the POINT OF BEGINNING. As
shown on the record of survey filed March 12, 2003, as instrument No. 226611, records of
Custer County, Idaho.

0226818

#

Custer County Rec. of

Bill Allen Esq. & CCT

Time 11:40 A.M. Date 4-14-2003

Ethel M. Peck, Clerk

Dea. Baker \$ 6.00

Deputy

WARRANTY DEED

235187
Custer County, Idaho
Time 12:00 PM
Ethel M. Peck, Clerk
Deputy
Date May 2, 2000
\$ 9.00

FOR CONSIDERATION under the terms of an IRC 1031 exchange transaction and other valuable consideration, BEREND FRIEHE and CARLA FRIEHE, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto TROY ZIEGLER and MAURENE ZIEGLER, husband and wife, whose current address is HC 61, Box 3080, Challis, ID 83226, the Grantees, the following described premises, in Custer County, Idaho, to-wit:

See attached Exhibit "A."

Together with all water rights and appurtenances.

SUBJECT TO:

1. That certain Easement dated March 31, 1976, from Leon J. Ziegler and Ila K. Ziegler, husband and wife, to Bald Mountain Irrigation Co., Inc., an Idaho Corporation, recorded May 7, 1976, as Instrument No. 142078, records of Custer County, Idaho.
2. That certain Mortgage dated May 12, 1976, from Bald Mountain Irrigation Company, to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, recorded May 17, 1976, as Instrument No. 142135, records of Custer County, Idaho.
3. That certain Memorandum Agreement dated October 20, 1989, by and between Salmon River Electric Cooperative, Inc., and Leon or Ila Ziegler, recorded November 1, 1989, as Instrument No. 193488, records of Custer County, Idaho.
4. That certain Memorandum of Agreement dated February 23, 2000, by and between Leon J. Ziegler and Ila K. Ziegler, husband and wife, and Salmon River Electric Cooperative, Inc., recorded May 10, 2000, as Instrument No. 220958, records of Custer County, Idaho.
5. That certain Overhead Power Line Easement dated February 23, 2000, from Leon J. Ziegler and Ila K. Ziegler, husband and wife, to Salmon River Electric Cooperative, Inc., recorded May 10, 2000, as Instrument No. 220959, records of Custer County, Idaho.
6. That certain Mortgage dated April 9, 2003, from Berend Friehe and Carla Friehe, husband and wife, to Leon J. Ziegler and Ila K. Ziegler, husband and wife, recorded April 14, 2003, as Instrument No. 226819. Corrected Mortgage recorded October 4, 2006, as Instrument No. 235047, all records of Custer County, Idaho.
7. That certain Assignment and Assumption Agreement dated April 4, 2003, by and between Leon J. Ziegler and Ila K. Ziegler, husband and wife, and

Berend Friehe and Carla Friehe, husband and wife, recorded August 11, 2006, as Instrument No. 234651, records of Custer County, Idaho.

8. That certain Deed of Trust dated May 10, 2004, executed by Leon J. Ziegler and Ila K. Ziegler, husband and wife, to Wells Fargo Financial National Bank, Trustee for Wells Fargo Bank. N.A., Beneficiary, recorded June 4, 2004, as Instrument No. 229318, records of Custer County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they the owners in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions, easements and restrictions of record, as recorded in the records of Custer County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: October 16, 2006.

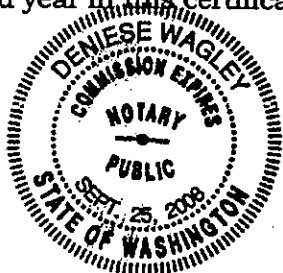
Berend Friehe
Berend Friehe

Carla Friehe
Carla Friehe

STATE OF WA
County of Trust } SS

On this 16th day of October, 2006, before me, a Notary Public in and for said State, personally appeared BEREND FRIEHE and CARLA FRIEHE, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.



Denise Wagley
Notary Public for WA
Residing at Moses Lake
Commission Expires: 9-25-08

235187

TRACT I:

TOWNSHIP 13 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 25: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

TOWNSHIP 13 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 30: Lots 2 & 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM: A portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 13 North, Range 24 East, Boise Meridian, Custer County Idaho, more particularly described as follows:

Beginning at the NE Corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, run thence South 00°21'00" West, the Basis of Bearing of this description, to the Center quarter corner of said Section 30, 1321.98 feet; thence South 89°54'00" West along the south line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, 1315.80 feet to the intersection of said south line and the extension of a north-south running fence; thence North 00°18'30" East along said fence line, 1322.55 feet to the intersection of the extension of said fence and the north line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30; thence North 89°55'31" East along said northerly line, 1316.76 feet to the POINT OF BEGINNING. As shown on the record of survey filed March 12, 2003, as instrument No. 226611, records of Custer County, Idaho.

Together with all water rights, range rights and other appurtenances.

Exhibit "A"