

08/18/2006

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 22, 2006**

Water right number: 79-11876

STATE OF IDAHO  
DEPT OF FISH & GAME  
PO BOX 25  
BOISE ID 83707  
Telephone Number: (208)334-3700

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

9/14/06

SIGNATURE:

*Dave Cadwallader*

Please print your name:

DAVE CADWALLADER

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

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: **A79-11876**  
Date Received: 3/16/1989  
Receipt No: C005871  
Received By: \_\_\_\_\_

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

1. Name: THE UNITED STATES OF AMERICA 503-230-3252 ,  
Address: BONNEVILLE POWER ADMIN  
LAND MANAGEMENT SECTION MMLC  
PO BOX 3621  
PORTLAND OR 97208-3621

2. Date of Priority: DEC 31, 1900

3. Source: UNNAMED STREAM Trib. to: EAGLE CREEK

4. Point of Diversion:

| Township                         | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
|----------------------------------|-------|---------|--------|--------|-----|-----|-----------|
| Beginning Point of Instream Flow |       |         |        |        |     |     |           |
| 31N                              | 04W   | 2       |        | NW     | NW  |     | NEZ PERCE |
| Ending Point of Instream Flow    |       |         |        |        |     |     |           |
| 31N                              | 04W   | 2       |        | SW     | NW  |     | NEZ PERCE |

5. Description of diverting works:  
INSTREAM USE ONLY

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.230 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 1,000 HEAD RANGE CATTLE

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**AUG 10 1994**

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 31N      | 04W   | 2       | NW     | NW  |     | STOCK |       |
|          |       |         | SW     | NW  |     | STOCK |       |

11. Place of use in counties: NEZ PERCE

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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**AUG 10 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 79-11876Date Received 3-16-89Receipt Number C005871

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 16 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Life Insurance Company Phone (203) 275-2094Mailing Address Aetna Realty Investors, Inc. Zip 061562. Date of Priority (Only one (1) per claim) 1900+3. Source of water supply (a) Unnamed Streamwhich is tributary to (b) Eagle Creek4. a. Location of existing point of diversion is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_,  
\_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of \_\_\_\_\_

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township 31N Range 04W Section 2, \_\_\_\_\_ 1/4 of NW 1/4 of NW 1/4,Govt. Lot \_\_\_\_\_ B.M., County of Nez Perceending point is: Township 31N Range 04W Section 2, \_\_\_\_\_ 1/4 of SW 1/4 of  
NW 1/4, Govt. Lot \_\_\_\_\_ B.M., County of Nez Perce5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Instream Use Only.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1/1 to 12/31 amount 0.23 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.23 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is de minimus acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1,000 head range cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 31N | 04W | 2   |        |       |       |       |        | S     | S     |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 0

11. In which county (ies) are lands listed above as place of use located? Nez Perce

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. \_\_\_\_\_ or None ( X )

14. Remarks: None

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**AUG 10 1994**

Last Name Aetna Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

**Scale: 2 inches equals 1 mile**

[illegible]

AUG 10 1994

Last Name Aetna Ident No. \_\_\_\_\_

*Copies: White-State, Yellow-Claimant*

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am Ass't Sec  
Title  
of Aetna Life Insurance Co., that I have signed the foregoing  
Organization  
document in the space below as Ass't Sec of Aetna Life Ins. Co.  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Edward J. Buckley  
Title and Organization Ass't Sec. Aetna Life Ins. Co. Date 5/14/89

State of Idaho/or Ct. )  
County of Hartford ) SS.

Subscribed and sworn (or affirmed) before me this 14<sup>th</sup> day of March 19 89

SEAL

Notary Public A. Eleanor Fanelli

Residing at Hartford, Ct.

My Commission Expires 3/31/1992

Please Print Name A. ELEANOR FANELLI

17. Notice of Appearance:  
Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf  
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above  
should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

**MICROFILMED**  
**AUG 10 1994**

Last Name Aetna Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: March 31, 1992

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_ (See attached deed)  
Section \_\_\_\_\_, \_\_\_\_\_ 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: Unknown
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Aetna Life Insurance Company  
242 Trumbull, Hartford, CT 06156
- ☐ New Owner/Claimant (Purchaser): The United States of America (Bonneville Power Administrati
- ☐ New Mailing Address: Land Management Section - MMLC  
P.O. Box 3621, Portland, OR 97208-3621
- ☐ New Telephone Number: ( 503) 230-3252
- ☐ 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: 2 special warranty deeds (one describing property in Lewis County, one describing property in Nez Perce County)  
2 quitclaim deeds (as above)

(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) Rebecca Hallgarth Date 6/26/92  
Realty Specialist 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: 07-21-92 By: [Signature]

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

**MICROFILMED**

**AUG 10 1994**

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

Card 19 2  
#559805

559805

SPECIAL WARRANTY DEED

IN CONSIDERATION of SEVEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$7,100,000), the receipt and sufficiency of which are hereby acknowledged, the undersigned

THE CONSERVATION FUND, a non-profit corporation organized and existing pursuant to the laws of the State of Maryland, of Suite 1120, 1800 North Kent Street, Arlington, Virginia 22209 ("Grantor"),

does hereby grant and convey to:

THE UNITED STATES OF AMERICA and its assigns ("Grantee"),

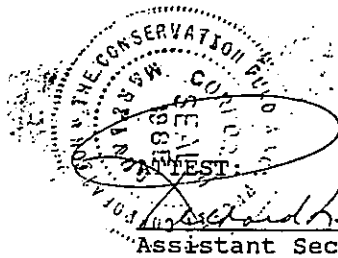
all of Grantor's right, title and interest in and to the real property and attached fixtures in the County of Nez Perce, State of Idaho, described on Exhibit A attached hereto and incorporated by reference (the "Property"), including:

1. All hereditaments, appurtenances and improvements to said Property;
2. All mineral and mineral rights underlying the Property which are owned by Grantor; and
3. All timber and timber rights associated with the Property which are owned by Grantor.

Grantor, for itself and its successors and assigns, expressly limits the covenants of this Deed to those herein expressed, and warrants and covenants to Grantee only that prior to the execution of this Deed, Grantor has not conveyed the above-described property, or any right, title, or interest therein, to any person other than the Grantee, and that the above-described property is free from encumbrances done, made or suffered by the Grantor or any person claiming under it.

The Property described herein is acquired by the United States acting through the Bonneville Power Administration, Department of Energy.

Dated this 30th day of March, 1992.



Assistant Secretary

THE CONSERVATION FUND

By: [Signature]  
Its: PRESIDENT

INST. NO. 559805  
FILED FOR RECORD  
FEE 3.75 REG. BY  
92 APR -1 PM 4:11 SECURITY

BETTY J. WILSEY  
RECORDER, NEZ PERCE CO.  
BY [Signature] DEPUT

STATE OF VIRGINIA )  
COUNTY OF ARLINGTON ) ss:

The foregoing instrument was acknowledged before me on March 30th, 1992, by Petrick F. Noonan as President and Richard L. Edmon as Assistant Secretary of The Conservation Fund, a Maryland non-profit corporation.

Witness my hand and official seal.

My Commission expires:

ELIZABETH TRYON  
NOTARY PUBLIC  
Commonwealth of Virginia  
My Comm. Expires 2/21/95

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AUG 10 1994  
M Elizabeth Tryon  
Notary Public

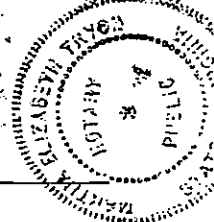


EXHIBIT "A"

SITUATE IN THE COUNTY OF NEZ PERCE, STATE OF IDAHO, TO-WIT:

PARCEL C:

Township 29 North, Range 3 West of the Boise Meridian:

Section 6: Lots 1, 2, 3, 4, 5, 9 and 10; SE½NW¼, E½SW¼,  
and NW¼SE¼

Section 7: Lot 3

PARCEL D:

Township 30 North, Range 3 West of the Boise Meridian:

Section 5: Lots 3 and 4

Section 6: Lots 1, 2, 3, 4, 8, 9; SE½NW¼, SW¼NE¼, NW¼SE¼  
and E½SW¼

Section 7: Lots 3, 4, 9, 10, and NE½NW¼

Section 18: Lots 3, 6, 7, 8, and 9

Section 19: Lots 3, 4, 9, 10 and E½SW¼

Section 29: SW¼SW¼

Section 30: Lots 3, 4; W¼NE¼, E½NW¼, E½SW¼ and SE¼

Section 31: Lots 2, 3, 4; E½W¼ and E¼

Section 32: NW¼SW¼ and NW¼ EXCEPT NE½NW¼NE½NW¼ and NW¼NE¼NE½NW¼

EXHIBIT "A" (Continued)

PARCEL E:

Township 30 North, Range 4 West of the Boise Meridian:

Section 1: Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
SW~~X~~ and W~~X~~SE~~X~~

Section 2: Lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, and S~~X~~

Section 3: Lots 3, 4, 5, 9, 12, NW~~X~~SW~~X~~, SE~~X~~SW~~X~~, SW~~X~~SE~~X~~ and  
E~~X~~SE~~X~~

Section 4: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, NE~~X~~SW~~X~~, and N~~X~~SE~~X~~

Section 9: E~~X~~NE~~X~~, E~~X~~SW~~X~~ and SE~~X~~

Section 10: All of Section 10

Section 11: All of Section 11

Section 12: W~~X~~NE~~X~~, NW~~X~~, NE~~X~~SW~~X~~, S~~X~~SW~~X~~, and SE~~X~~

Section 13: All of Section 13

Section 14: S~~X~~NE~~X~~, NW~~X~~, N~~X~~SW~~X~~ and SE~~X~~

Section 15: NW~~X~~, S~~X~~SW~~X~~, SW~~X~~SE~~X~~, and NW~~X~~SW~~X~~

Section 17: E~~X~~W~~X~~, W~~X~~E~~X~~, and E~~X~~SE~~X~~

Section 20: Lots 1, 2, 3, SE~~X~~NW~~X~~, S~~X~~NE~~X~~, and SE~~X~~

Section 21: Lots 2, 3, 4, S~~X~~NW~~X~~, SW~~X~~NE~~X~~, SW~~X~~, and W~~X~~SE~~X~~

Section 22: Lots 1 and 2, S~~X~~NE~~X~~, and S~~X~~

Section 23: All of Section 23

Section 24: All of Section 24

Section 25: N~~X~~, N~~X~~SE~~X~~, and SE~~X~~SE~~X~~

Section 26: N~~X~~NE~~X~~, W~~X~~, W~~X~~SE~~X~~, and SE~~X~~SE~~X~~

EXHIBIT "A" (Continued)

PARCEL E: (continued)

Section 27: NX, SWX, WXSEX, and SEXSEX

Section 28: EXWX, SEXNEX, EXSEX, and WSEX

Section 33: NEX

Section 34: NX, NXSX, and SEXSEX

Section 35: NEX, NWXNW, SEXNW, and SX

PARCEL F:

Township 31 North, Range 3 West of the Boise Meridian:

Parcel 1:

Section 4: SWXSW and SWXSEX

Section 5: EXSW and SEX

Section 6: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13,  
14, 15, 16, and 17

Section 7: Lots 10, 11 and SWXSEX

Section 8: WXW and NEXNW

Section 9: EX

Section 16: EXNEX

Section 18: Lots 1, 2, 3, 5, 6, NXNEX, SWXNEX, SWXSEX

Section 19: Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12;  
WXNEX, and SEX

Section 20: WXSW

Section 21: SXSEX

Section 28: NXNEX

Section 29: WX, WSEX

Section 30: Lots 1, 2, 3, 4; EXW, NEX, NWXSEX, and SXSEX

Section 31: Lots 1 and 3, NEXNW, EXSW, and EX

Section 32: WX, WXNEX, and NWXSEX

Exhibit A - page 3

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EXHIBIT "A" (Continued)

PARCEL F: (continued)

Parcel 2:

- Section 4: Government Lots 4, 5, 12, 13, 14, 15, N%SW%, SE%SW%, and NW%SE%; EXCEPTING from all the Bonanza Lode, Giant Lode Deposit No. 1 Lode and Paris Lode Mining Claims.
- Section 5: Government Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and W%SW%
- Section 6: Government Lots 10, 18, 19 and SE%
- Section 7: Government Lots 1, 2, 5, 6, 7, 8, 12, NE%, N%SE% and SE%SE%
- Section 8: SE%NW%, S%NE%, E%SW%, and SE%
- Section 9: NE%NW%, S%NW%, and SW%
- Section 17: All of Section 17
- Section 18: Government Lot 7, SE%NE%, N%SE%, and SE%SE%; EXCEPT the Evening Star Lode Mining Claim
- Section 19: E%NE%
- Section 20: N%N%, SW%NW%, SE%NE%, and E%SE%
- Section 21: N%, SW%, N%SE%
- Section 28: Government Lots 1, 2, 3, NW%, SW%NE%, N%SW%

Parcel 3:

- Section 29: E%NE%, NE%SE%

PARCEL G:

Township 29 North, Range 4 West of the Boise Meridian:

- Section 1: All of Section 1
- Section 2: Lots 1, 2, 3, 4; S%NE%, and S%
- Section 3: Lot 1, and NE%SE%
- Section 11: N%NW%, SE%NW%, NE%, and N%SE%
- Section 12: N%NE% and NW%

EXHIBIT "A" (Continued)

PARCEL H:

Township 32 North, Range 3 West of the Boise Meridian:

Parcel 1:

Section 4: Lots 3, 4, S½NW¼, and E½SE¼  
Section 5: W½SW¼, E½SW¼, Lots 3 and 4; S½NW¼  
Section 6: Lots 1, 2, 4, 5, 6, 7; SE½NW¼, S½NE¼, and SE½SW¼  
Section 7: Lots 1, 2, 3, 4; E½NW¼, NE½SW¼, SE¼, SE½SW¼  
Section 8: SW½NE¼, and W½SE¼  
Section 9: E½NE¼, S½NW¼, N½SW¼, and SW½SW¼  
Section 21: W½NE¼, SW¼, SW½SE¼  
Section 28: W½NE¼  
Section 29: W¼  
Section 30: Lots 3, 4, E½SW¼ and SE¼  
Section 31: All of Section 31  
Section 32: N¼, and SE¼  
Section 33: S½NW¼, and N½SW¼

Parcel 2:

Section 6: SE¼, NE½SW¼, Lot 3 EXCEPT beginning at the Northwest corner of said Lot 3, thence South along the West line of said Lot 3 a distance of 660 feet to a point, thence East 400 feet more or less to the East bank of Webb Creek, thence in a Northerly direction on and along the East bank of Webb Creek to a point on the North line of Lot 3, thence West on and along the North line of Lot 3 a distance of 314 feet more or less to the place of beginning.

Section 17: NW½SW¼  
Section 18: NE¼, SE¼, E½SW¼, and NE½NW¼  
Section 19: N¼  
Section 20: NW½NW¼  
Section 33: SW½SW¼

PARCEL J:

Township 33 North, Range 3 West of the Boise Meridian:

Section 31: Lots 2, 3, 4; S½N½E½NW½, SE½NW½, E½SW½, S½N½E½ and SE½

Section 32: Lot 4, W½NW½, and NW½SW½, EXCEPT that portion heretofore conveyed to F. D. Warner by Instrument recorded in Book 84 of Deeds at page 14 on September 14, 1905.

PARCEL K:

Township 33 North, Range 3½ West of the Boise Meridian:

Section 36: Lots 3 and 4

PARCEL L:

Township 31 North, Range 4 West of the Boise Meridian:

Section 1: Lots 1, 2, 3; S½N½E½, SE½NW½, E½SW½, SE½, and W½SW½

Section 2: Lot 4, SW½NW½, N½SW½

Section 3: Lot 1, SE½N½E½, and SE½

Section 4: Lots 1, 2, 4; S½N½E½, SW½NW½, SW½SW½ and E½SW½

Section 5: Lots 1, SE½N½E½ and E½SE½

Section 8: NE½SE½

Section 9: NW½NW½, W½SW½, and SE½SW½

Section 10: N½N½, SW½NE½, SE½NW½, NE½SW½, and SE½

Section 11: SW½, SW½SE½, S½N½E½, N½SE½, SE½SE½

Section 12: NE½NE½, W½NE½, E½NW½, W½NW½, SW½ W½SE½, SE½SE½

Section 13: S½NW½, SW½SW½, Lots 2, 3, 4, SW½NE½, N½SW½, SE½SW½, and NW½SE½

Section 14: Lot 1, SE½N½E½, S½ and N½NW½

Section 15: E½E½, NW½NE½, SW½SE½ and W½

EXHIBIT "A" (Continued)

PARCEL L: (continued)

Section 21: E%NE%

Section 22: All of Section 22

Section 23: All of Section 23

Section 24: All of Section 24

Section 25: All of Section 25

Section 26: All of Section 26

Section 27: E%

Section 32: N%NE%

Section 33: W%NW%, SW%, and NW%SE%

Section 34: W%NE%, and N%SE%

Section 35: E%NE%, N%SW%, SE%SW%, and SE%

Section 36: N%NE%

EXHIBIT "A" (Continued)

PARCEL N:

Township 32 North, Range 4 West of the Boise Meridian:

Parcel 1:

- Section 1: Lots 1, 2, 3, 4, 5, 6, 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and W $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 2: Lots 1, 2, 3, 4, and S $\frac{1}{4}$ N $\frac{1}{4}$ , E $\frac{1}{4}$ SW $\frac{1}{4}$  SE $\frac{1}{4}$
- Section 3: Lots 1 and 2, S $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$
- Section 4: SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{4}$ , SE $\frac{1}{4}$
- Section 10: All of Section 10
- Section 11: NW $\frac{1}{4}$ , S $\frac{1}{4}$ SW $\frac{1}{4}$ , except SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; E $\frac{1}{4}$ SE $\frac{1}{4}$ , and N $\frac{1}{4}$ NE $\frac{1}{4}$
- Section 12: Lot 1 and SW $\frac{1}{4}$
- Section 13: SW $\frac{1}{4}$  Except that part of the SW $\frac{1}{4}$  of Section 13 of Township 32 North, Range 4 West, B.M., Nez Perce County, Idaho, more particularly described as follows: Beginning at the Northwest corner of said SW $\frac{1}{4}$ ; thence Easterly along the North line of said SW $\frac{1}{4}$  a distance of 0.87 feet; thence South 0° 14' 05" West a distance of 173.16 feet to a point on the West line of said SW $\frac{1}{4}$ ; thence North 0° 03' 06" West along said West line a distance of 173.16 feet to the place of beginning.
- Section 14: W $\frac{1}{4}$  Except That part of the SW $\frac{1}{4}$  of Section 14 of Township 32 North, Range 4 West, B.M., Nez Perce County, Idaho, more particularly described as follows: Beginning at the Northeast corner of said SW $\frac{1}{4}$ ; thence South 89° 55' 48" West a distance of 14.66 feet; thence South 0° 14' 05" West a distance of 2633.27 feet; thence South 89° 59' 01" East a distance of 20.53 feet to a point on the East line of said SW $\frac{1}{4}$ ; thence North 0° 06' 26" East along said East line a distance of 2633.27 feet to the true place of beginning.
- Section 15: E $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$
- Section 17: E $\frac{1}{4}$ NE $\frac{1}{4}$
- Section 19: SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 20: E $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  and E $\frac{1}{4}$
- Exhibit A - page 8

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AUG 10 1994

EXHIBIT "A" (Continued)

PARCEL N: (continued)

Section 21: NX, NXSX, SWXSWX, SEXSEX  
Section 22: WX, SEX  
Section 23: All of Section 23  
Section 24: WX  
Section 25: NX, NXSWX, SEXSWX, SEX  
Section 26: EXNWX, SWXNWX, SWX, and NEX  
Section 27: NWXNEX, SXNX, SEX, and NEXNEX  
Section 28: SXNEX, WX, WXSEX, and SEXSEX  
Section 29: NX, NXSX, SEXSEX,  
Section 30: Lots 1, 6, 7, 8, 9, 10, 11, 12, and EX EXCEPT SXSEX  
Section 31: Lots 1, 2 and 3  
Section 32: Lot 1, EXNEX and NEXSEX  
Section 33: Lots 2, 3, and 4, NX, NXSX  
Section 34: WXNWX, NEXSEX, Lot 1  
Section 35: Lot 4, NWXSWX  
Section 36: Lots 1, 2, 3, NWXNEX, NEXNWX

Parcel 2:

Section 11: SEXNEX, SWXNEX Except SWXSWXSWXNEX

Parcel 3:

Section 11: SWXSWXSWXNEX

Parcel 4:

Section 11: SWXSWXSWX

Parcel 5:

Section 24: NEX

EXHIBIT "A" (Continued)

PARCEL P:

Township 33 North, Range 4 West of the Boise Meridian:

Section 21: SXSX

Section 22: SWXSWX

Section 26: NWXSWX, SXSWX

Section 27: SXNEX, WXX, SEXSWX, SEX

Section 34: NXNX, SEXNEX

Section 35: NEXNWX, WXX, SEXSWX, and SEX EXCEPT beginning at the Southeast corner of said Section 35, thence North along the section line between Sections 35 and 36, 545 feet, thence West 696 feet, thence North parallel to the East line of said Section 35, 375 feet, thence East 696 feet, thence South 375 feet to the point of beginning.

Section 36: SEX, and NEX south of county road.

Section 35: Beginning at the Southeast corner of the SEXNEX, thence North a distance of 15 rods to the county road, thence Northwesterly along the county road to a point on the West line of said SEXNEX, 30 rods North of the Southwest corner thereof, thence South to Southwest corner of said SEXNEX, thence East to place of beginning.

PARCEL Q:

Township 31 North, Range 4 West of the Boise Meridian:

Section 8: NEX

PARCEL R:

Township 31 North, Range 4 West of the Boise Meridian:

Section 28: NEXSWX, NXSEX, SEXSEX

Section 33: EXNWX, NEX, SXSEX, NEXSEX

Section 34: SXNWX, SWX, SXSEX

Section 35: SWXSWX

Township 30 North, Range 4 West of the Boise Meridian:

Section 2: Lot 4

SPECIAL WARRANTY DEED

IN CONSIDERATION of SEVEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$7,100,000), the receipt and sufficiency of which are hereby acknowledged, the undersigned

THE CONSERVATION FUND, a non-profit corporation organized and existing pursuant to the laws of the State of Maryland, of Suite 1120, 1800 North Kent Street, Arlington, Virginia 22209 ("Grantor"),

does hereby grant and convey to:

THE UNITED STATES OF AMERICA and its assigns ("Grantee"), all of Grantor's right, title and interest in and to the real property and attached fixtures in the County of Lewis, State of Idaho, described on Exhibit A attached hereto and incorporated by reference (the "Property"), including:

1. All hereditaments, appurtenances and improvements to said Property;
2. All mineral and mineral rights underlying the Property which are owned by Grantor; and
3. All timber and timber rights associated with the Property which are owned by Grantor.

Grantor, for itself and its successors and assigns, expressly limits the covenants of this Deed to those herein expressed, and warrants and covenants to Grantee only that prior to the execution of this Deed, Grantor has not conveyed the above-described property, or any right, title, or interest therein, to any person other than the Grantee, and that the above-described property is free from encumbrances done, made or suffered by the Grantor or any person claiming under it.

The Property described herein is acquired by the United States acting through the Bonneville Power Administration, Department of Energy.

Dated this 30th day of March, 1992.

THE CONSERVATION FUND

By: Patrick F. Warden  
Its: PRESIDENT

ATTEST:  
Richard L. Edmund  
Assistant Secretary

STATE OF VIRGINIA )  
COUNTY OF ARLINGTON ) ss:

The foregoing instrument was acknowledged before me on March 30th, 1992, by Patrick F. Warden as President and Richard L. Edmund as Assistant Secretary of The Conservation Fund, a Maryland non-profit corporation.

MICROFILMED

Witness my hand and official seal.

AUG 10 1994

My Commission expires:

M Elizabeth Tryon  
Notary Public

ELIZABETH TRYON  
NOTARY PUBLIC  
Commonwealth of Virginia  
My Comm. Exps. 3/31/95

EXHIBIT "A"

Situate in Lewis County, State of Idaho, to-wit:

Township 31 North, Range 3 West of the Boise Meridian.

Section 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Section 3: S $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{4}$ SW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Section 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Section 15: N $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Section 22: Entire Section.  
Section 23: SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Section 25: N $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Section 26: E $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Section 27: Lot 2, E $\frac{1}{2}$  of Lot 3 and N $\frac{1}{2}$ NE $\frac{1}{4}$ .

Township 32 North, Range 3 West of the Boise Meridian.

Section 3: W $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 10: W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 15: S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ .  
Section 22: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
Section 26: SW $\frac{1}{4}$ .  
Section 27: W $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 34: W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 35: SW $\frac{1}{4}$ .

113317

STATE OF IDAHO }  
COUNTY OF LEWIS } 25. APR 2 1992  
FILED FOR RECORD  
AT 11:30 O'CLOCK A.M. AT THE  
REQUEST OF \_\_\_\_\_

LEWIS COUNTY ABSTRACT CO., LTD.

*Cathy Larson*  
*Anne V. Crea*  
FEE \$ 6.00

*my Security Title*  
*P.O. Box 398*

*Lewiston, Id. 83501*  
MICROFILMED  
AUG 10 1994

QUIT CLAIM DEED

FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which is acknowledged, the undersigned,

THE CONSERVATION FUND, a non-profit corporation organized and existing pursuant to the laws of the State of Maryland, of Suite 1120, 1800 North Kent Street, Arlington, Virginia 22209 ("Grantor")

hereby remises, releases, and quit claims unto

THE UNITED STATES OF AMERICA ("Grantee")  
and its assigns

all of its right, title and interest in and to the water rights appurtenant to the real property located in the County of Lewis, State of Idaho, (the "Property"), described on Exhibit A attached hereto and incorporated herein. The property described herein is acquired by the United States acting through the Bonneville Power Administration, Department of Energy.

TO HAVE AND TO HOLD unto the Grantee, and Grantee's successors and assigns, forever.

DATED this 30th day of March, 1992.

THE CONSERVATION FUND

By:

Its:

Patrick F. Noonan  
PRESIDENT

ATTEST:

Richard L. Erdmann  
Assistant Secretary

STATE OF VIRGINIA )  
COUNTY OF ARLINGTON ) ss:

The foregoing instrument was acknowledged before me on March 30th, 1992, by Mr. Patrick F. Noonan as President and Mr. Richard L. Erdmann as Assistant Secretary of The Conservation Fund, a Maryland non-profit corporation.

Witness my hand and official seal.

MICROFILMED

My Commission expires:

AUG 10 1994

ELIZABETH TRYON  
NOTARY PUBLIC  
Commonwealth of Virginia  
Comm. Exps. 3/31/95

M. Elizabeth Tryon  
Notary Public

EXHIBIT "A"

Situate in Lewis County, State of Idaho, to-wit:

Township 31 North, Range 3 West of the Boise Meridian.

Section 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Section 3: S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Section 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Section 15: N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Section 22: Entire Section.  
Section 23: SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Section 25: N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Section 26: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ .  
Section 27: Lot 2, E $\frac{1}{2}$  of Lot 3 and N $\frac{1}{2}$ NE $\frac{1}{4}$ .

Township 32 North, Range 3 West of the Boise Meridian.

Section 3: W $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 10: W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 15: S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ .  
Section 22: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
Section 26: SW $\frac{1}{4}$ .  
Section 27: W $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 34: W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 35: SW $\frac{1}{4}$ .

113318

STATE OF IDAHO { ss.  
COUNTY OF LEWIS {  
FILED FOR RECORD APR 2 1992  
AT 11:30 O'CLOCK A M AT THE  
REQUEST OF  
LEWIS COUNTY ABSTRACT CO., LTD.

*Cathy Larson*  
COUNTY CLERK  
*Anne V. Crea*  
DEPUTY

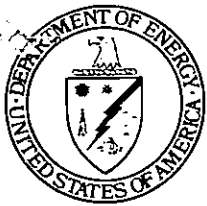
FEES \$ 6.00

*Security Title*  
P.O. Box 398  
Lewiston, Id.

MICROFILMED

AUG 10 1994

83501



Department of Energy  
Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

RECEIVED  
JUN 30 1992

Department of Water Resources

June 26, 1992

In reply refer to: MMLB  
Craig Mountain

Idaho Department of Water Resources  
Statehouse Mail  
Boise, ID 83720-9000

Attention: Adjudication Bureau

Ladies and Gentlemen:

The United States, acting through the Bonneville Power Administration, bought about 60,000 acres of land in Lewis and Nez Perce Counties in a transaction that closed on March 31, 1992. The property was formerly owned by Aetna Life Insurance Company, who sold it to The Conservation Fund; the United States purchased from The Conservation Fund in a back-to-back closing.

Aetna Life Insurance Company had filed numerous "Notice of Claim to a Water Right" documents (Form No. 42-1409(2)a) for this property, in connection with Civil Case Number 39576, which concerns adjudication of rights to use water from the Snake River Basin water system. The forms do not include an identification number. The very great majority of the notices are for amounts described as "de minimus" and are for stock water. A sample of these notices is enclosed. A few of the notices pertain to other amounts of water for other uses.

I've enclosed a completed Form 42-1409(7), "New Property Owner, Notice of Change of Water Right Ownership," along with copies of the deeds conveying the property to the United States.

Please take whatever steps are necessary to document the change of ownership in your records. Any notices issued in connection with the adjudication of water rights for the property should be sent to the address shown on the enclosed "Notice of Change of Water Right Ownership" and, if possible, also to Robert Walker - PJSP, Fish and Wildlife Program, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208-3621.

MICROFILMED

AUG 10 1994

If you need other information, please call me at (503) 230-3283.

Sincerely,

*Rebecca Hallgarth*

Rebecca Hallgarth  
Realty Specialist  
Realty Negotiation Section

Enclosures (6)

**MICROFILMED**

**AUG 10 1994**