

09/07/2005

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

RIGHT NUMBER: 78-12227  
NAME AND ADDRESS: TODD ELLIS  
BOX 44302  
BOISE ID 83711  
  
ROB ELLIS  
BOX 44302  
BOISE ID 83711

SOURCE: LITTLE SALMON RIVER                      TRIBUTARY: SALMON RIVER  
QUANTITY: 0.015 CFS  
PRIORITY DATE: 01/01/1946  
POINT OF DIVERSION:

T22N R01E S9 SWSWNE Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.015 CFS       |

PLACE OF USE: IRRIGATION Within IDAHO County

T22N R01E S09                      SWNE                      0.5

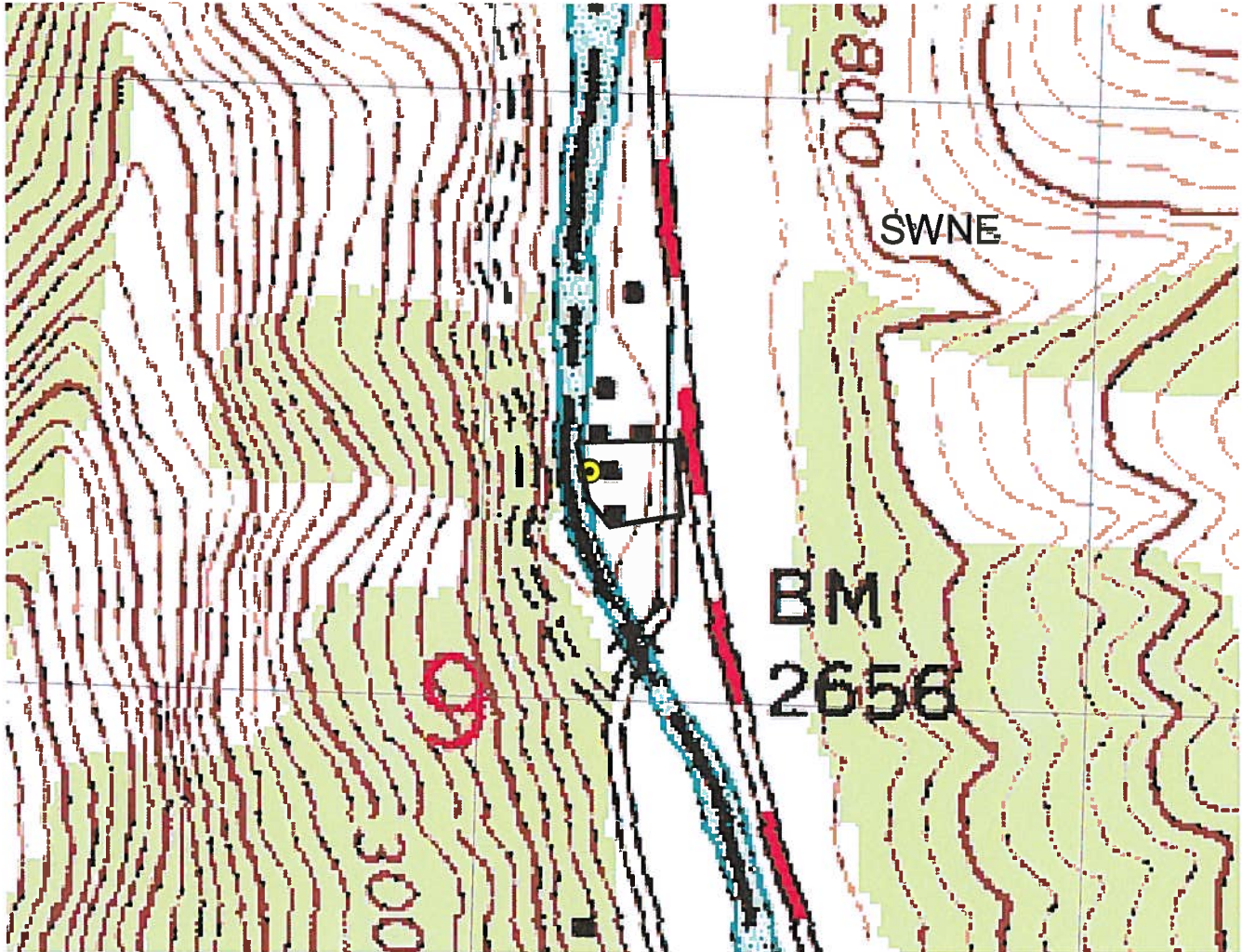
0.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

# 78-12227



0 300 600 Feet

Section 9  
T22N R1E



● Point of Diversion

□ Place of Use

Map prepared on September 7, 2005  
By Kenneth Knoblock  
Idaho Department of Water Resources

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

RECEIVED

FEB 16 2005

WATER RESOURCES  
WESTERN REGION

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 division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | <u>Split</u>                        | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------------------------------------|-----------------------|------------------------------|-------|
| 78-12227              | 425                          | <input checked="" type="checkbox"/> |                       |                              |       |
|                       |                              |                                     |                       |                              |       |
|                       |                              |                                     |                       |                              |       |
|                       |                              |                                     |                       |                              |       |
|                       |                              |                                     |                       |                              |       |

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 usually attached to your deed or on file with the county).

OR

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 **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)

EUGENE R. NOBLE  
PO Box 453 R199INS IDA 83549

4. New Owner/Claimant(s)

TODD ELLIS + ROB ELLIS

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 44302

City, State and ZIP Code

BOISE IDA 83711

New Telephone Number

208 859-5551

5. Date you acquired the property

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 78-12227

| Water Use    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   | <u>PUMP FROM SALMON RIVER</u>                                              | <u>0.039 ACRES SINGLE FAMILY DWELLINGS</u>                   |
| Stock        |                                                                            |                                                              |
| Domestic     | <u>DOMESTIC WELL SHARED ON DWELLINGS</u>                                   |                                                              |
| Other        |                                                                            |                                                              |
| <b>Total</b> | <u>0.039 ACRES</u>                                                         |                                                              |

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 78-12227

| Water Use    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   |                                                                            |                                                              |
| Stock        |                                                                            |                                                              |
| Domestic     | <u>COMMON SHARED WELL FOR DWELLINGS</u>                                    |                                                              |
| Other        |                                                                            |                                                              |
| <b>Total</b> | <u>0.039 ACRES</u>                                                         |                                                              |

7. Signature of New Owner(s) or Claimant(s) Jordan Decker and Rob Elia  
(include title if applicable)

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.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

SORRY I FILLED THESE BOTH OUT  
ONLY ONE PARCEL, PARCEL "A"

Priority: February 13, 1984

Maximum Diversion Rate:  
Maximum Diversion Volume:0.03 CFS  
2.3 AF

This is to certify, that JO ANN KILIAN

HALF WAY INN

HC 75 BOX 3760

NEW MEADOWS ID 83654

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 13, 1984; and has submitted Proof of Beneficial Use on January 1, 1900. An examination indicates that the works have a diversion capacity of .030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

| BENEFICIAL USE | PERIOD OF USE  | RATE OF DIVERSION | ANNUAL VOLUME |
|----------------|----------------|-------------------|---------------|
| DOMESTIC       | 01/01 to 12/31 | 0.03 CFS          | 2.3 AF        |

LOCATION OF POINT(S) OF DIVERSION:SWNE, Sec. 9, Township 22N, Range 01E  
IDAHO CountyPLACE OF USE: DOMESTIC  
TWN RGE SEC

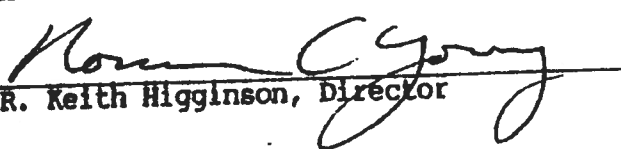
22N 01E 9

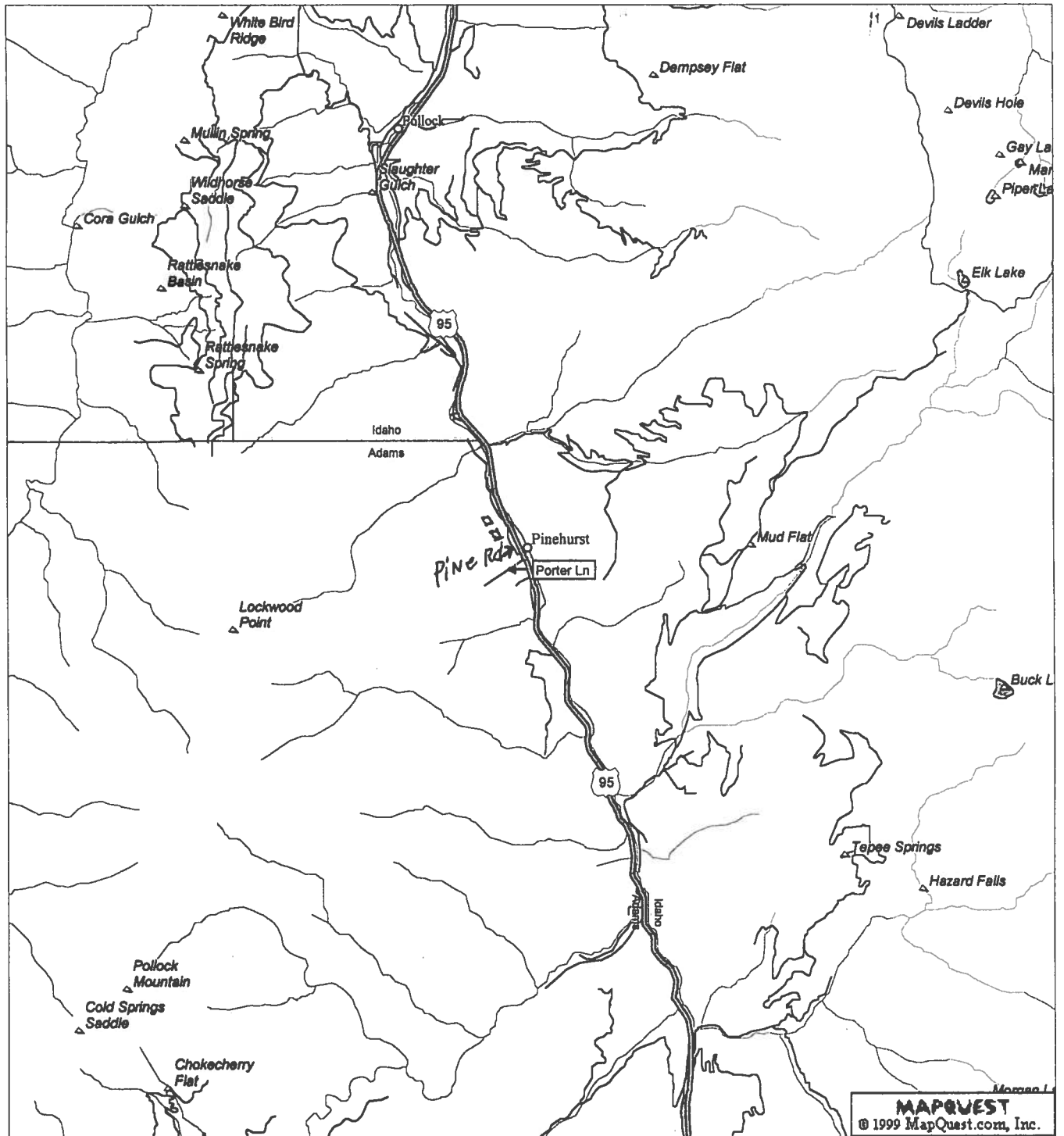
SWNE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home, 1 cafe and 5 motel units.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 16<sup>TH</sup> day of MAY, 1992.

  
Acting for R. Keith Higginson, Director



**MAPQUEST**  
© 1999 MapQuest.com, Inc.

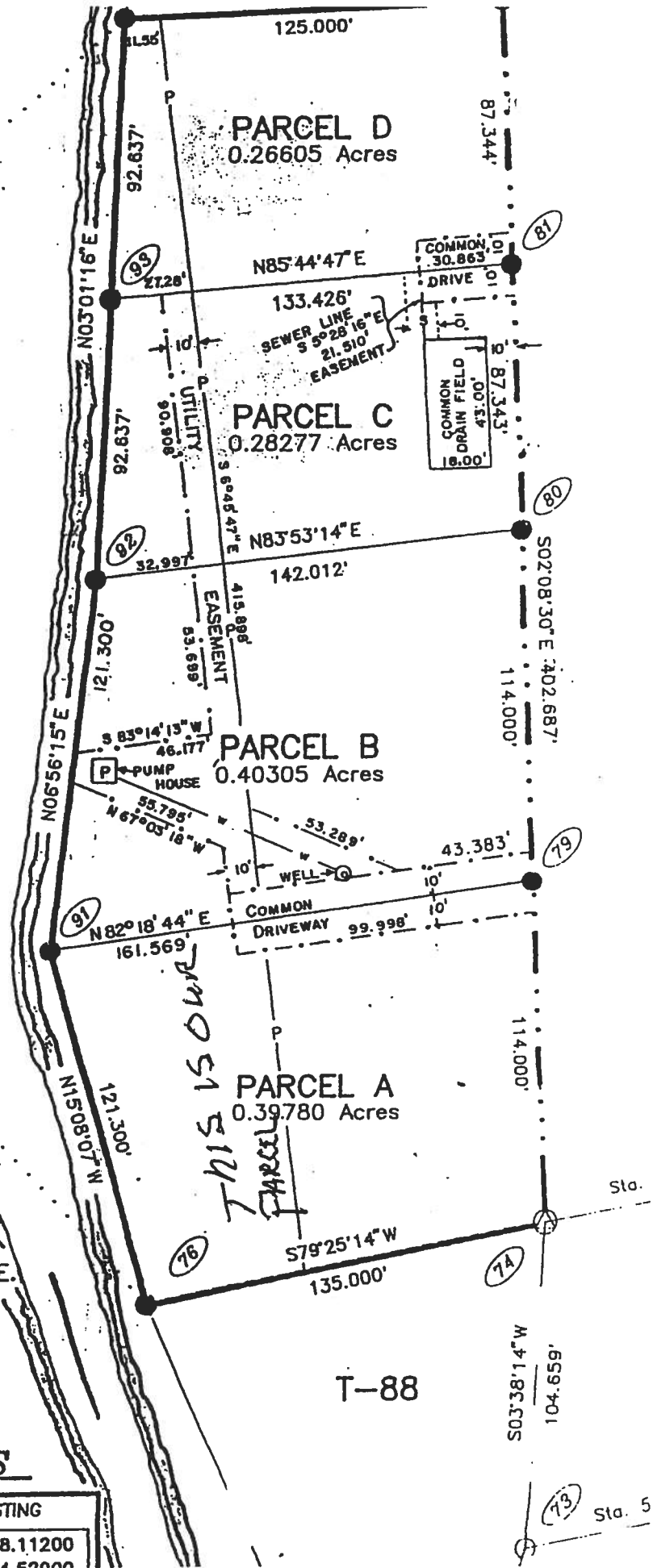
- |                 |                      |                         |
|-----------------|----------------------|-------------------------|
| Water           | Cemetery             | Limited access road     |
| Park            | Hospital, university | Primary road            |
| Urban area      | County border        | Other road              |
| Military land   | Ferry                | Unpaved or private road |
| Airport         |                      | Railroad                |
| Golf course     |                      | Geographic feature      |
| Shopping Center |                      |                         |

**Streets  
USA**

new  
at  
natch,  
storehouse  
5500  
832839

S45°24'48"W  
3170.361'

LITTLE SALMON RIVER



PRNER.  
ATION POINT.  
( ON BRIDGE.  
R WITH SURV.CAP.  
OT FND., SET B.C. IN CONCRETE.  
OT FND.  
Y 95 R.O.W. MONUMENT.

T-88

-WAY.

**COORDINATES**

INE.  
ILITY

| POINT | NORTHING   | EASTING    |
|-------|------------|------------|
| 15    | 2933.06500 | 8128.11200 |
| 16    | 2933.06500 | 8128.11200 |

659.401  
M 41.83.00S

Sta. 5

SCHEDULE C

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 9: A parcel of property located between the Westerly Right of Way line of U.S. Highway 95, FAP F-4113(12), 1964, and the Easterly meander line of the Little Salmon River all within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, Twp. 22 N., Rge. 1 E., B.M., Idaho County, Idaho, and being more particularly described from a survey as follows:  
Beginning at the NE corner of Section 9, thence N.89°32'22"W., 2664.090 feet to the N $\frac{1}{4}$  Corner,  
thence S.10°14'41"E., 2283.369 feet to a re-established Right of Way monument at Sta. 563+50, 112 feet LT of Center line, which point is the initial point of beginning,  
thence N.2°08'30"W., 114.000 feet along said R.O.W.,  
thence S.82°18'44"W., 161.569 feet to a point on the mean high water line of the Little Salmon River,  
thence S.15°08'07"E., 121.300 feet along said high water line,  
thence N.79°25'14"E., 135.000 feet back to the initial point of beginning.

0409556

WARRANTY DEED

COMPUTER  
SCANNED  
TRACTED

THIS INDENTURE, made on this 7<sup>th</sup> day of December, 1999,  
by and between EUGENE R. NOBLE, a single man, of P.O. Box 453,  
Riggins, ID 83549, hereinafter referred to as the Grantor, and R.  
TODD ELLIS, a married person dealing with his sole and separate  
property, of 2328 Amethyst Street, Meridian, ID 83642, and ROB W.  
ELLIS, a single person, of 2019 Bitterroot Street, Twin Falls, ID  
83301, tenants in common, hereinafter referred to as the Grantees.

WITNESSETH:

That the said Grantor, for and in consideration of the sum of  
Ten Dollars (\$10), lawful money of the United States of America,  
and other good and valuable considerations to him in hand paid by  
the said Grantees, the receipt whereof is hereby acknowledged,  
having granted, bargained, sold, and by these presents does grant,  
bargain, sell, convey, and confirm unto the said Grantees, their  
heirs and assigns, all the following described real property  
situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, attached hereto and hereby incorporated by  
this reference.

TOGETHER WITH those additional included rights which this  
Grantor acquired when he acquired the property by virtue of  
Idaho County Instrument #376662. Those inclusions are as  
follows:

Inclusion 1: Included herein is a 10' wide by 100' long  
common ingress, egress, and utility easement being that part  
of the adjacent parcel "B" and as shown on the "Record of  
Survey."

Inclusion 2: Included herewith is a utility easement  
providing access, operation, and maintenance of a common well,  
water line, and pump house, all as shown on parcel "B" of the  
recorded "Record of Survey."

Inclusion 3: Included herewith is a  $\frac{1}{4}$  share of the well,  
water lines, and pump house common to parcels A, B, C, and D,  
as shown on the "Record of Survey." The "record of Survey" is  
filed as Instrument No. 375607 and is made a part hereof.

And that the above bargained premises, in the event of  
TOGETHER WITH, all and singular, the tenements, hereditaments,  
and all other rights and interests in and to the said premises



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

November 30, 2004

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

JOANN KILIAN  
HC 75 BOX 3760  
NEW MEADOWS ID 83654

Re: Original Notice of Claim to a Water Right No. 78-12219

Renumbered to Notice of Claim to a Water Right No. 78-12227

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your right. This claim represents the remaining portion of the claim filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Adjudication Section  
Western Region Office

LG: lg

Enclosure

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 78-12227  
Date Received: 5/17/1988  
Receipt No: x7777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOANN KILIAN Phone: (208) 628-3764

HC 75 BOX 3760  
NEW MEADOWS ID USA 83654

*see change  
ownership*

2. Date of Priority: 01/01/1946

3. Source: LITTLE SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County | Type |
|----------|-------|---------|-----------------------|----|----|--------|------|
| 22N      | 01E   | 9       | SW                    | SW | NE | IDAHO  |      |

5. Description of diverting works:

CENTRIFUGAL PUMP ON RIVER BANK WITH SUCTION PIPE IN RIVER.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 10/15 | 0.03   |            |

7. Total Quantity Appropriated is:  
0.03 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|---------------|-------|---------|------------|-----|------------|-------|
| 22N           | 01E   | 9       | SW         | NE  | IRRIGATION | 1     |
| Section Acres |       |         |            |     |            | 1     |
| Total Acres   |       |         |            |     |            | 1     |

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 78-12219

15. Basis of Claim: Beneficial Use

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

**RECEIVED****AUG 27 2004****WATER RESOURCES  
WESTERN REGION**

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 division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 78-12219              |                              | 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 usually attached to your deed or on file with the county).

**OR**

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 **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)

Janne + Gerald Killian (Janne  
HC-75 # 3760, New Meadows, ID 83654

4. New Owner/Claimant(s)

Catherine A. DeLorenzo

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

HC-75 # ~~3760~~ Box 3767

City, State and ZIP Code

New Meadows, ID 83654

New Telephone Number

208) 628-3333

5. Date you acquired the property

9-7-03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>78-12219</u> <u>74-4289</u>                                             |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | <u>Pump from Salmon River</u>                                              | <u>.26605</u> <u>Single family Dwelling</u>                  |
| Stock                                                                                                                   |                                                                            |                                                              |
| Domestic                                                                                                                | <u>Well - Shared</u>                                                       | <u>Single family Dwelling</u>                                |
| Other                                                                                                                   |                                                                            |                                                              |
| Total                                                                                                                   | <u>.26605 Acre</u>                                                         |                                                              |

Parcel D

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>78-12219</u> <u>74-4289</u>                                             |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              |                                                                            |                                                              |
| Stock                                                                                                                   |                                                                            | <u>.28277</u>                                                |
| Domestic                                                                                                                | <u>Common Shared Well</u>                                                  | <u>Single family Dwelling</u>                                |
| Other                                                                                                                   |                                                                            |                                                              |
| Total                                                                                                                   | <u>.28277 Acre</u>                                                         |                                                              |

Parcel C

7. Signature of New Owner(s) or Claimant(s) Catherine A. Rehorge  
(include title if applicable)

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.

For Office Use Only  
 Received by DB Date 8-27-04 Fee \$ 0  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

Bought C + D Lots.  
See Attached Map

NENW

NWNE

NENE

T22NR1E

SENW

SENE

DELORENZO  
PARCEL D  
PARCEL C

SWNE

9

NESW

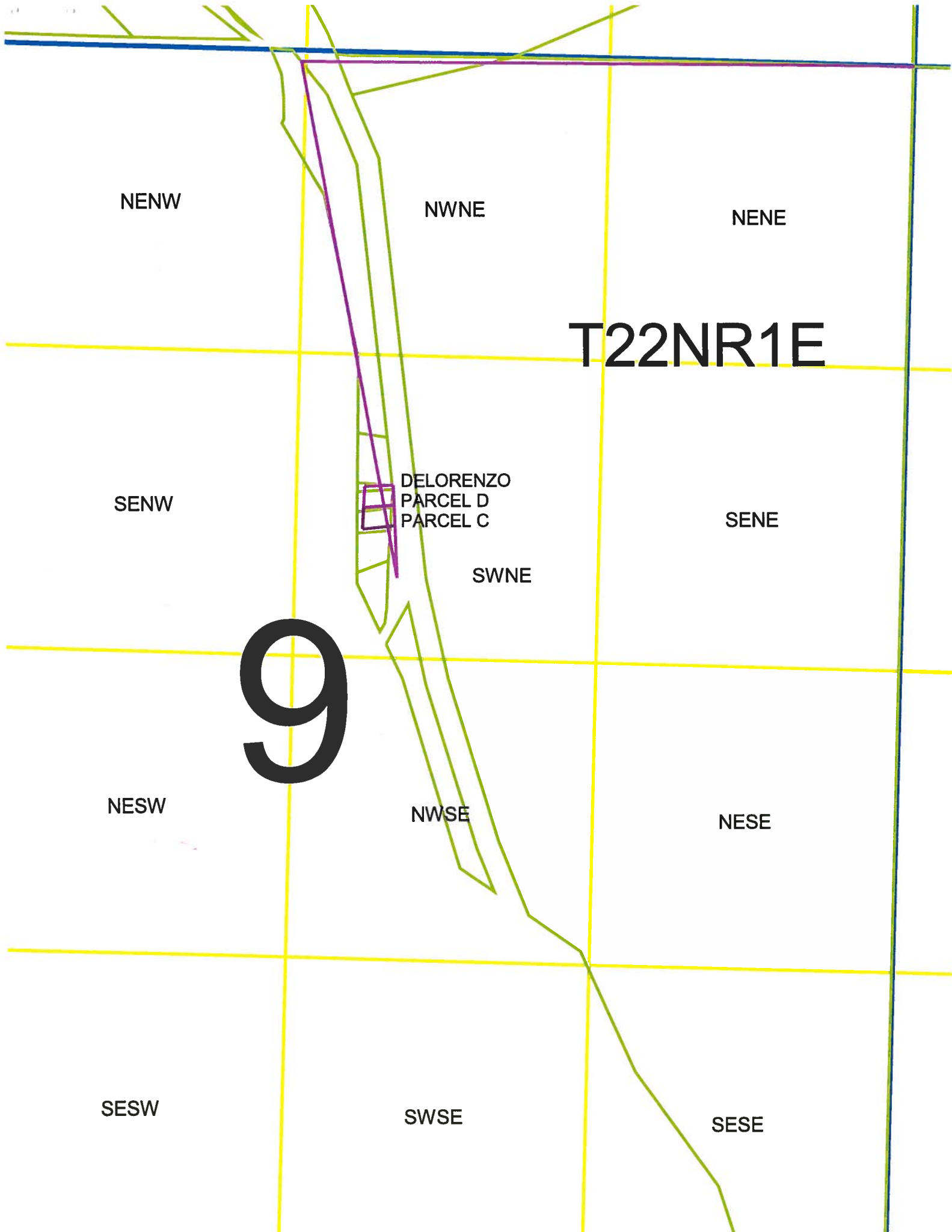
NWSE

NESE

SESW

SWSE

SESE



Catherine A DeLorenzo  
HC-75 Box 3767 & 3768  
Pines Road on Little Salmon River  
New Meadows, ID 83654

208 628-3333

cathdelo@ctcweb.net

RECEIVED

AUG 27 2004

WATER RESOURCES  
WESTERN REGION

August 26, 2004

State of Idaho  
Dept of Water Resources

Re: Notice of change in water right ownership

To Whom it may Concern:

Enclosed are copies of my notice of change in water right ownership.

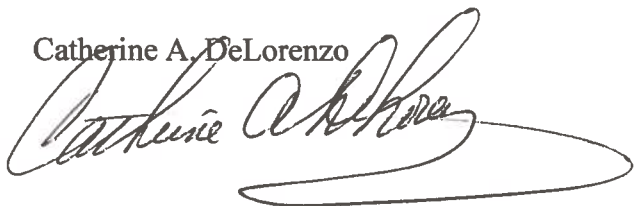
I have purchased two separate lots in the Halfway Inn Subdivision. Please Change the rights to my name on each individual lot, as I may sell one of the Lots in the future.

I have enclosed a map of the subdivision for your use. Thank you for your Expedience in this manner.

If you have any questions, please call me at 208 628-3333.

Thank you for your time and assistance.

Catherine A. DeLorenzo

A handwritten signature in dark ink, appearing to read 'Catherine A. DeLorenzo', with a long, sweeping horizontal line underneath.

Parcel C

FIRST AMERICAN TITLE INSURANCE COMPANY

Issued with Policy No.: CW5053613 (1056.92)

**SCHEDULE A**

File No.: 18910 3118

Policy No.: J1577952 (1402.92)

Amount of Insurance: \$55,000.00

Premium: \$447.50.

Date of Policy: September 4, 2003 at 01:30 PM.

1. Name of Insured:

CATHERINE DELORENZO, a single person

2. The estate or interest in the land which is covered by this policy is:

PARCEL I – FEE INTEREST

PARCEL II – EQUITABLE INTEREST

3. Title to the estate or interest in the land is vested in:

CATHERINE DELORENZO, a single person

4. The land referred to in this policy is described as follows:

Parcel I: FEE INTEREST

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 9: A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , between the Westerly Right-of-Way line of U.S. Highway 95, FAP F-4113 (12), 1964, and the Easterly meander line of the Little Salmon River, more particularly described from a Survey recorded August 1, 1994 as Instrument Number 375607 as follows:

Commencing at the Northeast corner of Section 9;

Thence N89°32'22"W, 2664.090 feet to the N $\frac{1}{4}$  corner;

Thence S10°14'41"E, 2283.369 feet to a re-established Right-of-Way monument at Sta. 563+50, 112 feet LT of Center line;

Thence N2°08'30"W, 228.000 feet along said Right-of-Way to the TRUE POINT OF BEGINNING;

Thence N2°08'30"W, 87.344 feet along said Right-of-Way;

Thence S85°44'47"W, 133.426 feet to a point on the mean high water line of the Little Salmon River;

Thence S3°01'16"W, 92.637 feet along said high water line;

Thence N83°53'14"E, 142.012 feet to the TRUE POINT OF BEGINNING.

Parcel II: EQUITABLE INTEREST

TOGETHER WITH a 10 foot wide by 30 foot long easement for common ingress and egress as shown on the Record of Survey recorded August 1, 1994 as Instrument Number 375607 and described in Warranty Deed recorded June 19, 1995 as Instrument Number 380663.

FIRST AMERICAN TITLE INSURANCE COMPANY

2,317,093.99 easting  
1,565,578.30 Northing

By:

*Del Lunders*

Del Lunders, Authorized Signatory

[Space Above This Line For Recording Data]

# DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on September 3, 2003. The grantor(s) is/are Catherine DeLorenzo, a single person ("borrower"). The trustee is Inland Title Company ("Trustee"). The beneficiary is THE COTTONWOOD COMMUNITY FEDERAL CREDIT UNION, which is organized and existing under the laws of IDAHO, and whose address is P.O. Box 507, Cottonwood, ID 83522 ("Lender"). Borrower owes Lender the principal sum of \*\*\*Forty-Two Thousand Nine Hundred and no/100\*\*\* Dollars (U.S.\$42,900.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on September 03, 2013. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in Idaho County, Idaho:

See Attached

which has the address of Pines Road Riggins,  
[Street] [City]  
Idaho 83549 ("Property Address");  
[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

**BORROWER COVENANTS** that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

**UNIFORM COVENANTS.** Borrower and Lender covenant and agree as follows:

1. **Payment of Principal and Interest; Prepayment and Late Charges.** Borrower shall promptly pay when due the principal of and interest on the debt evidenced by the Note and any prepayment and late charges due under the Note.

2. **Funds for Taxes and Insurance.** Subject to applicable law or to a written waiver by Lender, Borrower shall pay to Lender on the day monthly payments are due under the Note, until the Note is paid in full, a sum ("Funds") for: (a) yearly taxes and assessments which may attain priority over this Security Instrument as a lien on the Property; (b) yearly leasehold payments or ground rents on the Property, if any; (c) yearly hazard or property insurance premiums; (d) yearly flood insurance premiums, if any; (e) yearly mortgage insurance premiums, if any; and (f) any sums payable by Borrower to Lender, in accordance with the provisions of paragraph 8, in lieu of the payment of mortgage insurance premiums. These items are called "Escrow Items." Lender may, at any time, collect and hold Funds in an amount not to exceed the maximum amount a lender for a federally related mortgage loan may require for Borrower's escrow account under the federal Real Estate

**Parcel I: FEE INTEREST**

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 9: A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , between the Westerly Right-of-Way line of U.S. Highway 95, FAP F-4113 (12), 1964, and the Easterly meander line of the Little Salmon River, more particularly described from a Survey recorded August 1, 1994 as Instrument Number 375607 as follows:  
Commencing at the Northeast corner of Section 9;

Thence N89°32'22"W, 2664.090 feet to the N $\frac{1}{4}$  corner;

Thence S10°14'41"E, 2283.369 feet to a re-established Right-of-Way monument at Sta. 563+50, 112 feet LT of Center line;

Thence N2°08'30"W, 228.000 feet along said Right-of-Way to the TRUE POINT OF BEGINNING;

Thence N2°08'30"W, 87.344 feet along said Right-of-Way;

Thence S85°44'47"W, 133.426 feet to a point on the mean high water line of the Little Salmon River;

Thence S3°01'16"W, 92.637 feet along said high water line;

Thence N83°53'14"E, 142.012 feet to the TRUE POINT OF BEGINNING.

**Parcel II: EQUITABLE INTEREST**

TOGETHER WITH a 10 foot wide by 30 foot long easement for common ingress and egress as shown on the Record of Survey recorded August 1, 1994 as Instrument Number 375607 and described in Warranty Deed recorded June 19, 1995 as Instrument Number 380663.

Parcel D

RECEIVED

AUG 27 2004

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

WATER RESOURCES  
WESTERN REGION

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 division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 78-12219              |                              | 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 usually attached to your deed or on file with the county).

OR

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 **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)

Joanne & Gerald Killian (Joanne  
 HC-75 # 3760, New Meadows, ID 83654

4. New Owner/Claimant(s)

Catherine A. DeLorenzo

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

HC-75 # 3760 Pine St Rd

City, State and ZIP Code

New Meadows, ID 83654

New Telephone Number

208) 628-3333

5. Date you acquired the property

9-7-03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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<br>(If the right(s) will not be split, skip this area and proceed to item 7)           |                                                                            |                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>78-12219</u> <u>on</u> <u>74-4289</u> <span style="float: right;">Parcel D</span> |                                                                            |                                                              |
| Water Use                                                                                                                         | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                                        | <u>Pump from Salmon River</u>                                              | <u>.28277</u> <u>26605</u> <u>Single family Dwelling</u>     |
| Stock                                                                                                                             |                                                                            |                                                              |
| Domestic                                                                                                                          | <u>Well</u>                                                                | <u>Domestic Well- Shared</u>                                 |
| Other                                                                                                                             |                                                                            | <u>Single family Dwelling</u>                                |
| Total                                                                                                                             | <u>. 26605 Acre</u>                                                        |                                                              |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7)           |                                                                            |                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>78-12219</u> <u>on</u> <u>74-4289</u> <span style="float: right;">Parcel C</span> |                                                                            |                                                              |
| Water Use                                                                                                                         | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                                        |                                                                            |                                                              |
| Stock                                                                                                                             |                                                                            | <u>. 28277</u>                                               |
| Domestic                                                                                                                          | <u>Common Shared Well</u>                                                  | <u>Single family Dwelling</u>                                |
| Other                                                                                                                             |                                                                            |                                                              |
| Total                                                                                                                             | <u>. 28277 Acre</u>                                                        |                                                              |

7. Signature of New Owner(s) or Claimant(s) Catherine A. Behorec  
(include title if applicable)

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.

For Office Use Only DRS Date 8-27-04 Fee 0  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

I Bought C + D Lots.  
See Attached Map

Parcel D

FIRST AMERICAN TITLE INSURANCE COMPANY

SCHEDULE A

File Number: 18944 3138

Amount of Insurance: \$ 30,000.00

Policy Number: J 1577975 (1402.92)

Premium: \$ 320.00

Date of Policy: September 25, 2003 at 03:25 PM

1. Name of Insured:

CATHERINE A. DELORENZO, a single woman

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

CATHERINE A. DELORENZO, a single woman

4. The land referred to in this policy is described as follows:

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho  
Section 9: A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , between the Westerly Right-of-Way line of U.S. Highway 95, FAP F-4113 (12), 1964, and the Easterly meander line of the Little Salmon River, more particularly described from a Survey recorded August 1, 1994 as Instrument Number 375607 as follows:

Commencing at the Northeast corner of Section 9;

Thence N89°32'22"W, 2664.090 feet to the N $\frac{1}{4}$  corner;

Thence S10°14'41"E, 2283.369 feet to a re-established Right-of-Way monument at Sta. 563+50, 112 feet LT of Center line;

Thence N2°08'30"W, 315.343 feet along said Right-of-Way to the TRUE POINT OF BEGINNING;

Thence N2°08'30"W, 87.344 feet along said Right-of-Way;

Thence S87°51'30"W, 125.000 feet to a point on the mean high water line of the Little Salmon River;

Thence S3°01'16"W, 92.637 feet along said high water line;

Thence N85°44'47"E, 133.426 feet to the TRUE POINT OF BEGINNING.

2,317,093.99 easting  
1,565,578.30 Northing

FIRST AMERICAN TITLE INSURANCE COMPANY

By: Del Lunders

DEL LUNDERS, AUTHORIZED SIGNATORY

0431686

WARRANTY DEED

THIS INDENTURE, made on this 19 day of September, 2003, by FRANKLIN D. WOELK and CAROL E. WOELK, husband and wife, of 2375 Cloverdale Dr. SE, Turner, OR 97392, hereinafter referred to as the Grantors, and CATHERINE A. DELORENZO, a single woman, of ~~P.O. Box 119, Riggins, ID 83549~~, hereinafter referred to as the Grantee.

Ac- 75 Box 3767  
WITNESSETH:

That, the said Grantors, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Grantee, her heirs and assigns forever, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho  
Section 9: A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , between the Westerly Right-of-Way line of U.S. Highway 95, FAP F-4113 (12), 1964, and the Easterly meander line of the Little Salmon River, more particularly described from a Survey recorded August 1, 1994 as Instrument Number 375607 as follows:  
Commencing at the Northeast corner of Section 9;  
Thence N 89°32'22"W, 2664.090 feet to the N $\frac{1}{4}$  corner;  
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Thence S 87°51'30"W, 125.000 feet to a point on the mean high water line of the Little Salmon River;  
Thence S 3°01'16"W, 92.637 feet along said high water line;  
Thence N 85°44'47"E, 133.426 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH, an undivided right to use the existing well and well system, which provides water to this property which rights were originally created in a document entitled Restrictive Covenants and Agreements Concerning Well Use and Septic Tank System Use, which was recorded June 19, 1995 as Instrument #380662, the terms and conditions of which agreement are incorporated herein.

TOGETHER WITH, any septic tank and drainfield rights, which benefit this property that are reflected in a record of survey recorded August 1, 1994 as Instrument #375607, records of Idaho Countv. Idaho. the terms and conditions of which document are incorporated

money of the United States of America, and other good and valuable considerations to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Grantee, her heirs and assigns forever, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho  
Section 9: A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , between the Westerly Right-of-Way line of U.S. Highway 95, FAP F-4113 (12), 1964, and the Easterly meander line of the Little Salmon River, more particularly described from a Survey recorded August 1, 1994 as Instrument Number 375607 as follows:  
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TOGETHER WITH, any septic tank and drainfield rights, which benefit this property that are reflected in a record of survey recorded August 1, 1994 as Instrument #375607, records of Idaho County, Idaho, the terms and conditions of which document are incorporated herein.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said

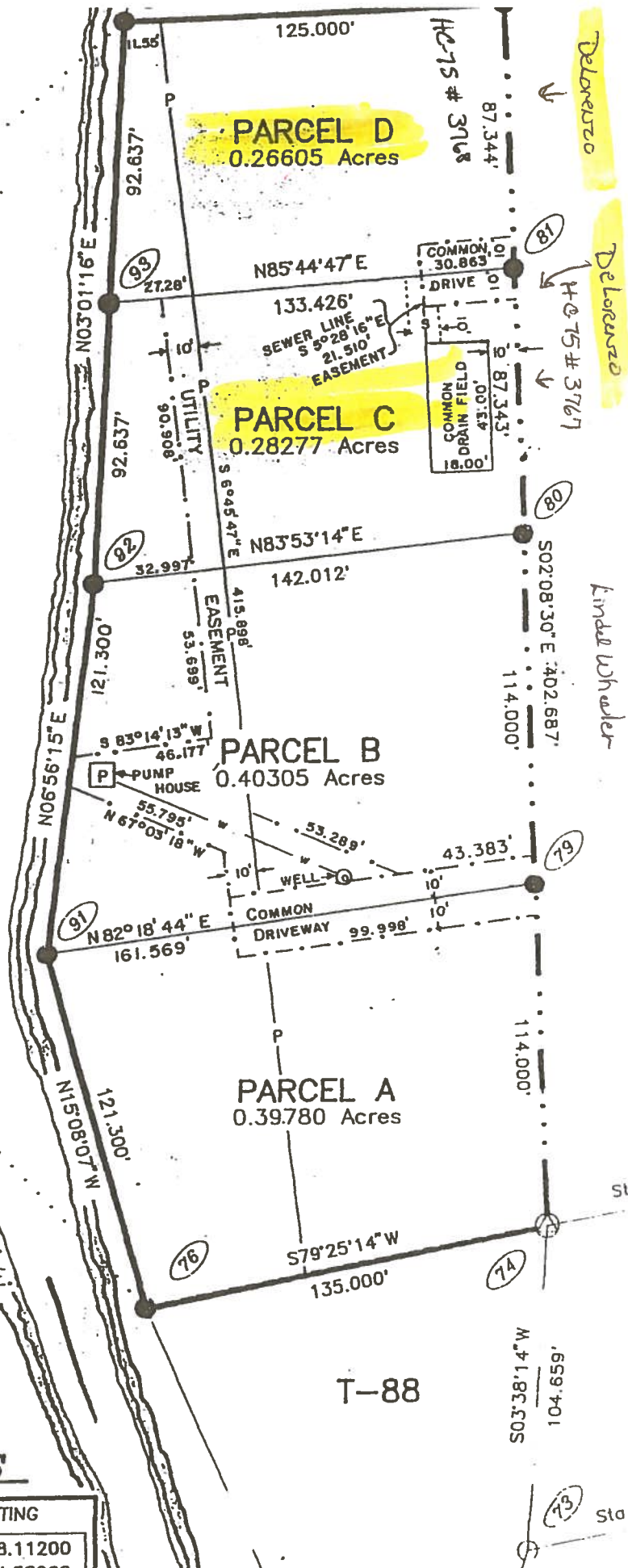
WARRANTY DEED

1

|                        |                      |
|------------------------|----------------------|
| STATE of IDAHO         |                      |
| County of Idaho        |                      |
| Recorded at request of |                      |
| INLAND TITLE CO.       |                      |
| at                     | 3:25 p.m. on 9-25-03 |
| ROSE E. GEHRING        |                      |
| By                     | Sandy Jones          |
| Fees \$                | 9.00                 |

Delonaro,  
Catherine A

LITTLE SALMON RIVER



RNER.  
 ATION POINT.  
 C ON BRIDGE.  
 R WITH SURV.CAP.  
 OT FND., SET B.C. IN CONCRETE.  
 OT FND.  
 Y 95 R.O.W. MONUMENT.

## COORDINATES

| POINT | NORTHING   | EASTING    |
|-------|------------|------------|
| 15    | 2933.06500 | 8128.11200 |

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 78-12219  
Date Received: 5/17/1988  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOANN KILIAN  
HC 75 BOX 3760  
NEW MEADOWS ID USA 83654

Phone: (208)628-3764

2. Date of Priority: 01/01/1946

3. Source: LITTLE SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|----------|-------|---------|--------|--------|---------|--------|------|
| 22N      | 01E   | 9       | SW     | SW     | NE      | IDAHO  |      |

5. Description of diverting works:

CENTRIFUGAL PUMP ON RIVER BANK WITH SUCTION PIPE IN RIVER.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 10/15 | 0.045  |            |

7. Total Quantity Appropriated is:  
0.045 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|---------------|-------|---------|------------|-----|------------|-------|
| 22N           | 01E   | 9       | SW         | NE  | IRRIGATION | 1.5   |
| Section Acres |       |         |            |     |            | 1.5   |
| Total Acres   |       |         |            |     |            | 1.5   |

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS BEING SOLD UNDER CONTRACT BY JOANN KILIAN, FORMERLY JOANN ROCHELEAU. BUYER IS BEVERLY ALEGRIA.  
NAME REMOVAL (DECEASED) PER CLAIMANT REQUEST, BY DB 8/24/2000.

This claim is the result of a split due to change in ownership for a portion of 78-4289A. DB 8/23/2004

15. Basis of Claim: Beneficial Use

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

RECEIVED

AUG 04 2004

WATER RESOURCES  
WESTERN REGION

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 division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 78-10152              | 78-10152                     | —     |                       |                              | —     |
| 78-4289A              | 78-4289A                     | —     |                       |                              | —     |
| 78-7260               | 78-7260                      | —     |                       |                              | —     |
|                       |                              | —     |                       |                              | —     |
|                       |                              | —     |                       |                              | —     |

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 usually attached to your deed or on file with the county).

**OR**

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 **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)

JoAnn Kilian  
2276 A Via Mariposa East, Laguna Woods, CA  
92653

4. New Owner/Claimant(s)

William and Ruby Darwin  
 Name Connector (Check one): ☐ and, ☒ or, ☒ and/or

New Mailing Address

HC 75 Box 3760

City, State and ZIP Code

New Meadows ID 83654

New Telephone Number

208 628-2363

5. Date you acquired the property

January 9, 2003

SCANNED

AUG 23 2004

SCANNED

AUG 04 2004

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-4289A

WATER RIGHT NUMBER: 78-4289A

Owner Type                      Name and Address

Original Owner                  GERALD C KILIAN  
HC 75 BOX 3760  
NEW MEADOWS, ID 83654  
(208)628-3764

Original Owner                  JO ANN ROCHELEAU  
HC 75 BOX 3760  
NEW MEADOWS, ID 83654

Current Owner                  JOANN KILIAN  
HC 75 BOX 3760  
NEW MEADOWS, ID 83654  
(208)628-3764

78-12219

) ok

Priority Date: 01/01/1946  
Basis: Beneficial Use  
Status: Active

Source                                      Tributary  
LITTLE SALMON RIVER                  SALMON RIVER

Beneficial Use                      From      To                      Diversion Rate                      Annual Volume  
IRRIGATION                      3/15 to 10/15                      0.060 CFS .045  
Total Diversion:                      0.060 CFS .045 cfs

Location of Point(s) of Diversion

LITTLE SALMON RIVER                      SW1/4SW1/4NE1/4                      Sec. 9,      Twp 22N,      Rge 01E, B.M.  
IDAHO County

Place of Use  
IRRIGATION

| Twp | Rge | Sec | NE |    |     |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 22N | 01E | 9   |    |    | 2.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 2.0    |
|     |     |     |    |    | 1.5 |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 2

1.5 ac.

Conditions of Approval:Remarks:

- PROPERTY IS BEING SOLD UNDER CONTRACT BY JOANN KILIAN, FORMERLY JOANN ROCHELEAU. BUYER IS BEVERLY ALEGRIA. NAME REMOVAL (DECEASED) PER CLAIMANT REQUEST, BY DB 8/24/2000.

5-17-88

SCANNED  
AUG 23 2004

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-4289A

Comments:Dates and Other Information:

Claim Received Date: 5/17/1988  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: OR  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

SCANNED

AUG 23 2004

WARRANTY DEED

GRANTOR, JOANN M. KILIAN, a single woman, of HC 75 Box 3760, New Meadows, ID 83654, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to WILLIAM T. DARWIN and RUBY J. DARWIN, husband and wife, of 41780 Cambridge Ave., Bermuda Dunes, CA 99201, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes for the year 2002, which are a lien, now due and payable.

2. Any claim arising from the difference in mean high water line of Little Salmon River and the meander line as shown by Government Survey or the State of Idaho.

3. Power Line Easement, including the terms and conditions thereof, by and between NORMAN ARNESON and ARDELLA ARNESON, his wife, and IDAHO POWER COMPANY, a corporation, recorded August 7, 1961, as Instrument No. 205954, Book 95 page 416, records of Idaho County, Idaho.

4. Matters as shown on Survey S-944, recorded August 1, 1994, under Instrument No. 375607, records of Idaho County, Idaho.

5. County Road right of way as the same now exists.

6. Right and easements in favor of the public for recreational uses of the Little Salmon River.

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 Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except general taxes for the year 2002, and easements, reservations, restrictions and rights-of-way of record or in use.

READ & APPROVE

SCANNED

AUG 23 2004

SCANNED

AUG 04 2004

# EXHIBIT A

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho  
Section 9: A parcel of land situated in the SW¼NE¼, more particularly described as follows:

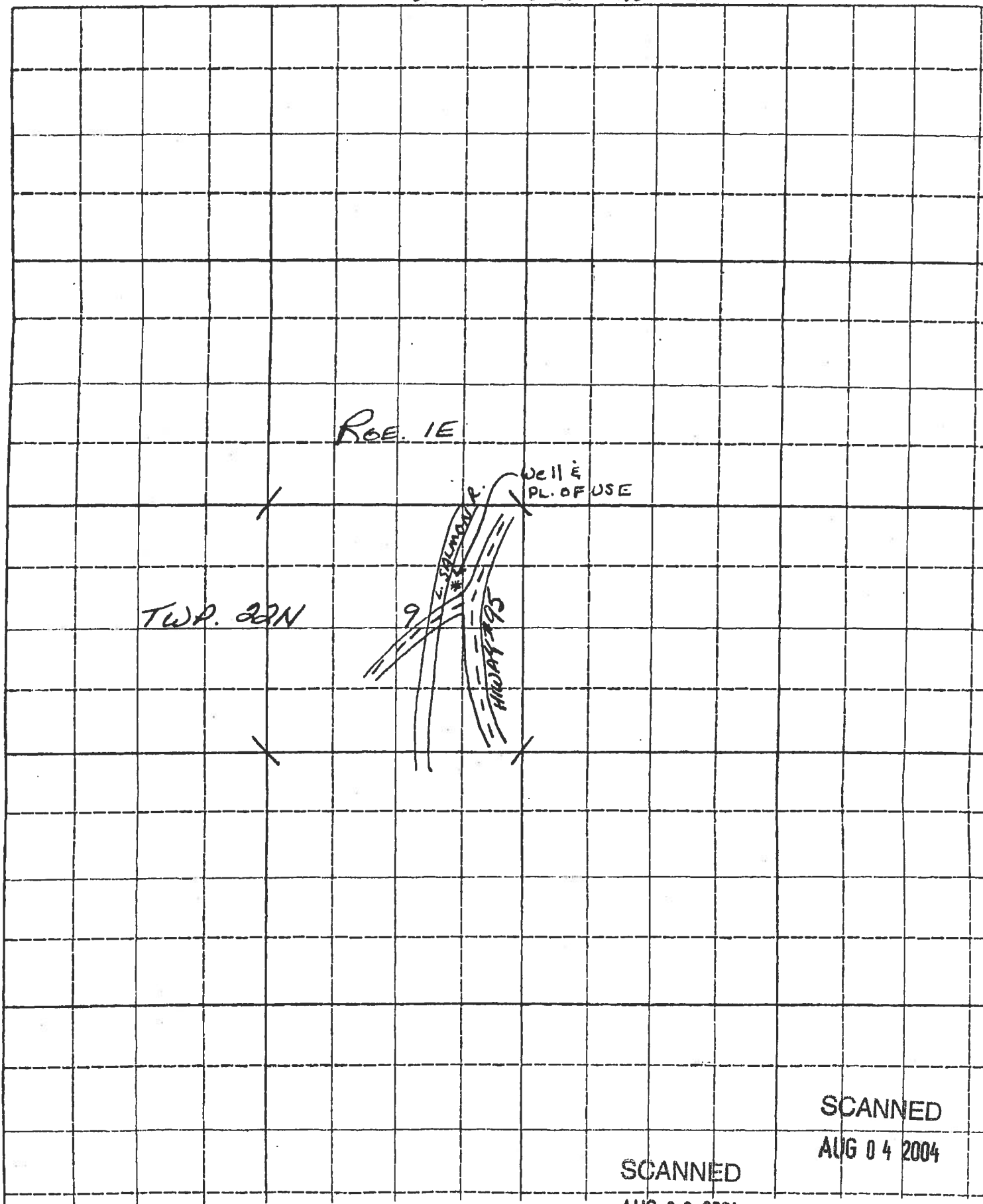
The South end of tax number 52, beginning at highway ROW monument 561+73, from which monument, bench mark x20.1933 bears South 56.0 feet (on the Northeast corner of old US 95 Bridge) and from which monument the Southeast corner of said Section 9 bears South, 2,852 feet and East 2,225 feet;  
thence N 17°29' E, 89.6 feet to ROW monument 562+50';  
thence N 03°13' E, 104.6 feet to ROW monument 563+50';  
thence S 79° W, 135.0 feet to a point 10.0 feet south the Southwest corner of Cabin #4 on the Right Bank of the Little Salmon River;  
thence S 24°29' E, 232.0 feet, along said Right Bank to the Westerly line of Old US Hwy. 95;  
thence N 30° E, 20.0 feet to the Westerly line of New US Hwy. 95;  
thence N 12°10' W, 30.0 feet to the place of beginning.

SCANNED  
AUG 23 2004

SCANNED  
AUG 04 2004

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number township and range number.

## Well - Groundwater



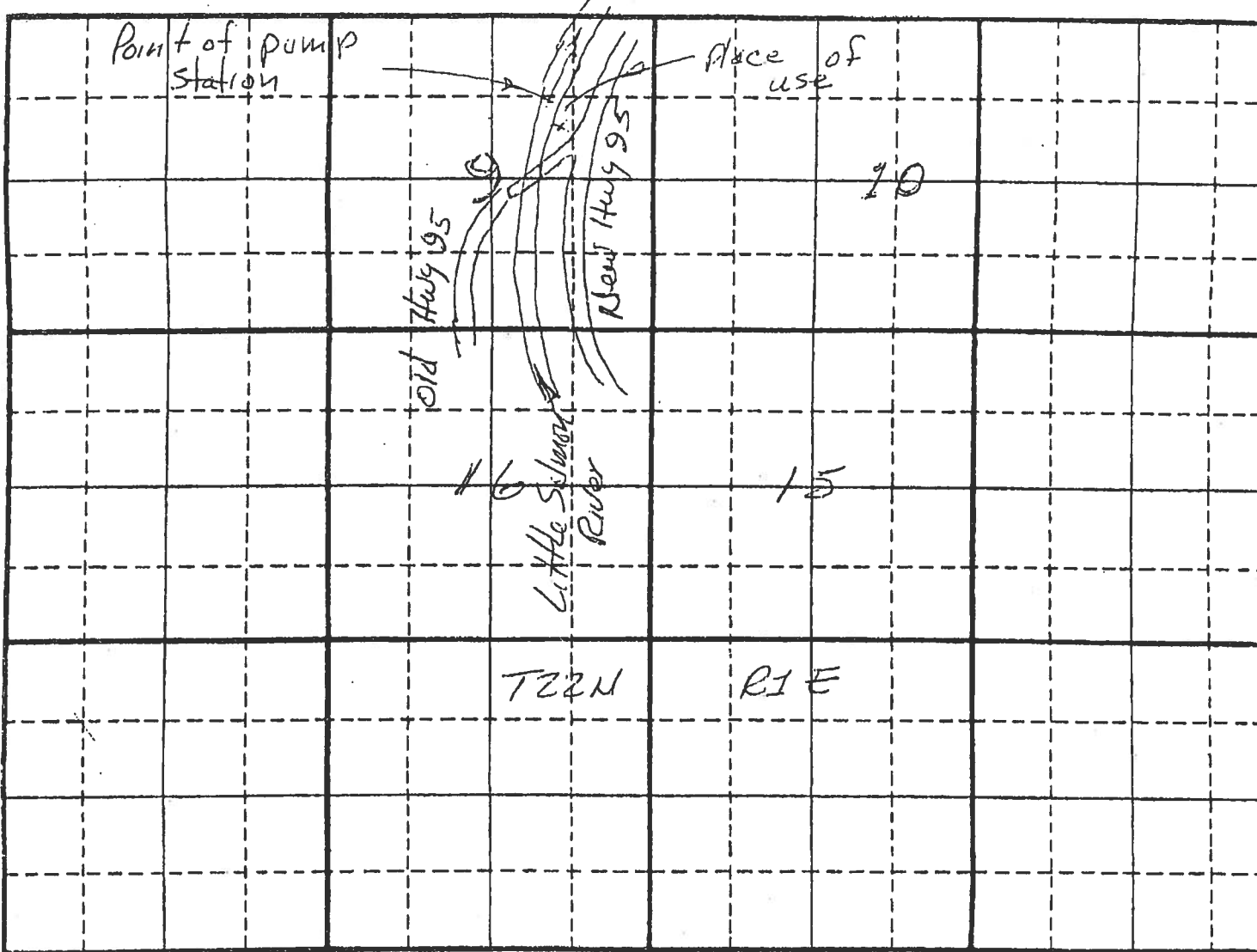
SCANNED  
AUG 04 2004

SCANNED

AUG 03 2004

(8) Remarks \_\_\_\_\_

Irrigation - Little Salmon River 78-4289A



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )

County of Idaho )

) ss.

SCANNED

AUG 23 2004

SCANNED

AUG 04 2004

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 22 day of

June

19 83

(Claimant)

T. H. - 11 11

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: 78-4289A  
Date Received: 5/17/88  
Receipt No: M000003  
Received By:

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

1. Name of Claimant(s): JOANN KILIAN  
Address: HC 75 BOX 3760  
NEW MEADOWS ID USA 83654

Phone: (208)628-3764

2. Date of Priority: 01/01/1946

3. Source: LITTLE SALMON RIVER Trib. to: Salmon River

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County |
|----------|-------|---------|-----------------------|--------|
| 22N      | 01E   | 9       | SW SW NE              | IDAHO  |

5. Description of diverting works:

CENTRIFUGAL PUMP ON RIVER BANK WITH SUCTION PIPE IN RIVER.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 10/15 | 0.06   |            |

7. Total Quantity Appropriated is:  
0.06 C.F.S.

8. Total consumptive use:

SCANNED

AUG 23 2004

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres           |
|----------|-------|---------|------------|-----|------------|-----------------|
| 22N      | 01E   | 9       | SW NE      |     | IRRIGATION | 2               |
|          |       |         |            |     |            | Section Acres 2 |
|          |       |         |            |     |            | Total Acres 2   |

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS BEING SOLD UNDER CONTRACT BY JOANN KILIAN, FORMERLY JOANN ROCHELEAU. BUYER IS BEVERLY ALEGRIA  
NAME REMOVAL (DECEASED) PER CLAIMANT REQUEST. *DT 8/24/2000.*

15. Basis of Claim: Beneficial Use

16. Signature(s) N / A

Aug 21 '00  
IDWR Western Regional Office

RECEIVED

AUG 23 2000

WATER RESOURCES  
WESTERN REGION

Dear Sir,

Gerald C Kilian passed away  
July 8, 1999. Do you want to  
correct the name to just  
John Kilian.

Thank you,  
John Kilian

JoAnn M. Kilian  
HC 75 Box 3760  
New Meadows, ID 83654

A78-07260  
A78-04289A  
78-10152

SCANNED

AUG 23 2000

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: A78-04289A  
Date Received: 5/17/1988  
Receipt No: M000003  
Received By: \_\_\_\_\_

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

1. Name: JOANN KILIAN 208-628-3764  
Address: HC 75 BOX 3760  
NEW MEADOWS ID 83654  
OR  
Name: GERALD C. KILIAN 208-628-3764  
Address: HC 75 BOX 3760  
NEW MEADOWS ID 83654

2. Date of Priority: JAN 1, 1946

3. Source: LITTLE SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 22N      | 01E   | 9       | SW     | SW     | NE     |     | IDAHO  |

5. Description of diverting works:  
CENTRIFUGAL PUMP ON RIVER BANK WITH SUCTION PIPE IN RIVER.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 10/15 | 0.060 |      |        |

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

8. Total consumptive use is 4.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use |
|----------|-------|---------|--------|--------|-----|-----|
| 22N      | 01E   | 9       | SW     | NE     |     | IRR |

SCANNED  
AUG 23 2004  
MICROFILMED

10. Place of Use: Continued

Section Acres 2.0

Total Acres 2.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:  
NONE

14. Remarks:

PROPERTY IS BEING SOLD UNDER CONTRACT BY JOANN KILIAN, FORMERLY  
JOANN ROCHELEAU. BUYER IS BEVERLY ALEGRIA.

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: \_\_\_\_\_

SCANNED

AUG 23 2004

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 \_\_\_\_\_

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

*Renumbered to A78-04289A*

Ident. Number: A78-04289

Date Received: 5/17/1988

Receipt No: M000003

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JOANN KILIAN 208-628-3764  
Address: HC 75 BOX 3760  
NEW MEADOWS, ID 83654

OR

Name: GERALD C. KILIAN 208-628-3764  
Address: HC 75 BOX 3760  
NEW MEADOWS, ID 83654

2. Date of Priority: JAN 01, 1946

3. Source: LITTLE SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 22N      | 01E   | 9       | SW     | SW     | NE  |     | IDAHO  |

5. Description of diverting works:  
CENTRIFUGAL PUMP ON RIVER BANK WITH SUCTION PIPE IN RIVER.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 10/15 | 0.060  |      |        |

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

8. Total consumptive use is 4.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 22N      | 01E   | 9       | SW     | NE  |     | IRR | 2.0   |

Section Acres 2.0

A78-04289

Page 1

Date: 05/17/88

SCANNED

OCT 22 1996

10. Place of Use: Continued

Total Acres 2.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:  
NONE

14. Remarks:  
PROPERTY IS BEING SOLD UNDER CONTRACT BY JOANN KILIAN, FORMERLY  
JOANN ROCHELEAU. BUYER IS BEVERLY ALEGRIA.

15. Basis of Claim: STATUTORY CLAIM  
Water Right Number:

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: 1

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): *John Kilian* Date: May 17 '88  
*Gerald C. Kilian* Date: May 17 '88

State of Idaho )  
County of Adams ) SS.

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day

of May 19 88

Seal

*Carter Fritzsche*  
Notary Public

Residing at Eagle, Id

My Commission Expires 3-21-94



Produced by the Geological Survey  
in cooperation with the U.S. Forest Service

A78-04289

OCT 22 1956  
SCANNED