

06/27/2005

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

RIGHT NUMBER: 77-7013

NAME AND ADDRESS: KATHLEEN POSTON
BOX 1558
MCCALL ID 83638

SOURCE: FIVEMILE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 8.080 CFS
5,797.900 AFY

PRIORITY DATE: 07/22/1969

POINT OF DIVERSION:

T24N R08E S22 NWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS 0.60 AFY
POWER	01/01 12/31	8.000 CFS 5,791.80 AFY
STOCKWATER	01/01 12/31	0.020 CFS 1.00 AFY
IRRIGATION	03/15 10/31	0.020 CFS 4.50 AFY

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R08E S22 NWNW 1.0

STOCKWATER Within IDAHO County

T24N R08E S22 NWNW

POWER Within IDAHO County

T24N R08E S22 NWNW

DOMESTIC Within IDAHO County

T24N R08E S22 NWNW

1 ACRES TOTAL

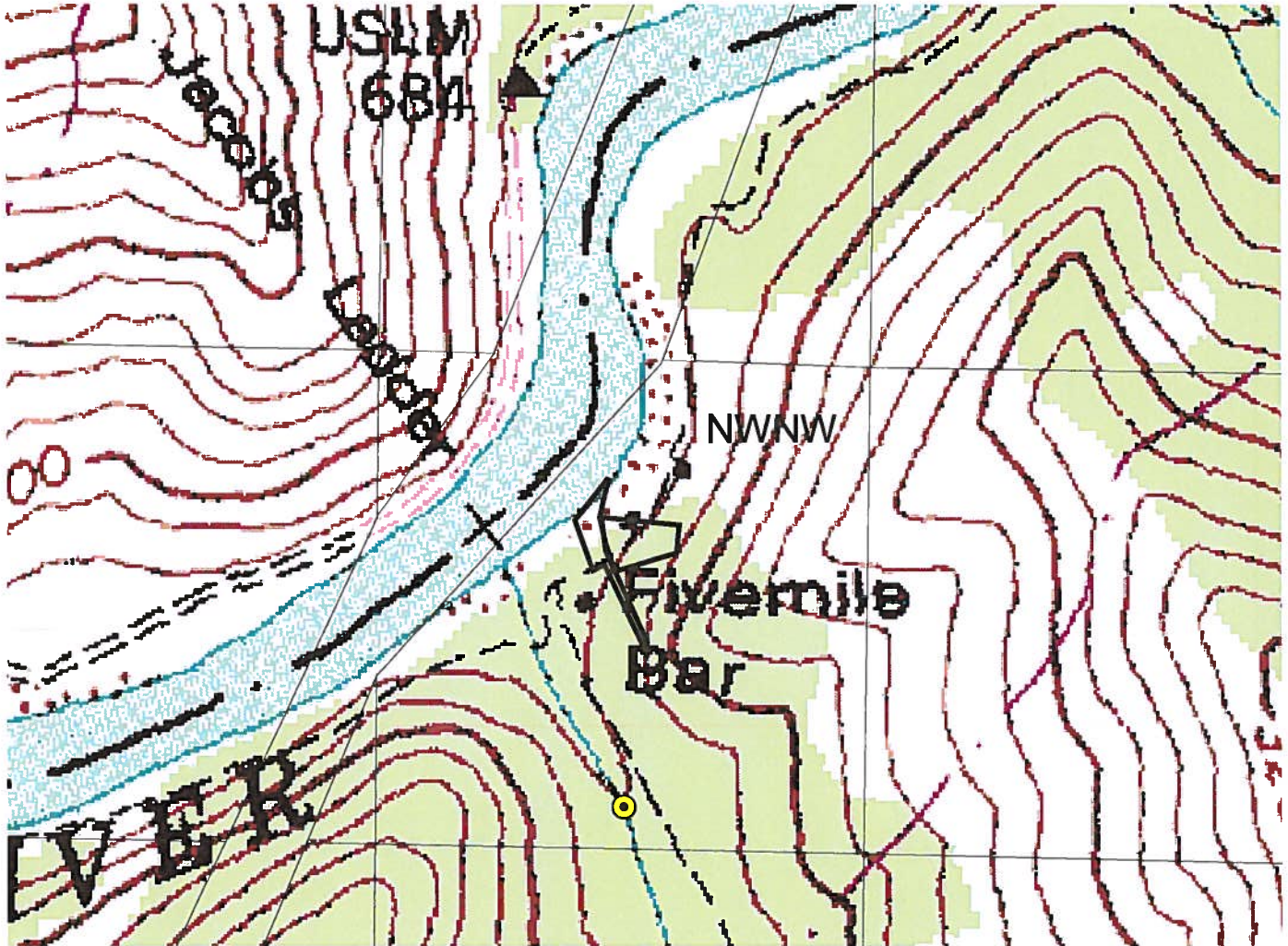
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: License

Right includes accomplished change in point of diversion and place of use pursuant to Section 42-1425, Idaho Code.

77-7013



0 200 400 Feet

Section 22
T24N R8E



● Point of Diversion

□ Place of Use

Map prepared on April 20, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 2005

Kathleen Poston
Box 1558
McCall, ID 83638

RE: 77-8798

Dear Mrs. Poston:

We have processed your change of water right ownership form. Enclosed is a copy of our recommendation, which we expect to submit by the end of the year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Knoblock', is written over a faint, circular official stamp.

Kenneth Knoblock
Water Resources Agent

June 20, 2005

RECEIVED
JUN 27 2005
IDWR/North

Poston
Po Box 1558
McCall, Id
83638

IDWR Northern Region
1910 Northwest Blvd, Suite 210
Coeur d' Alene, ID 83814-2615

To Whom It May Concern:

I am sending in this form to change a name on the water rights I have – A77-07013. I have filled out the Notice of Change in Water Right Ownership form.

To explain: Boyd C. Miller was my late husband. He died in 2000. We had owned the property at Five Mile Bar. I changed my name on the title to Kathleen L. Miller.

In 2005 I was remarried and am changing the name on the water rights to Kathleen L. Poston.

I have included the following documentation of ownership:

Change of Ownership Letter – putting it in Boyd's name.
Death Certificate of Boyd C. Miller
Personal Representative Form of Kathleen L. Miller
Tax Assessment Notice – showing Kathleen L. Miller as owner
Marriage Certificate – showing Poston name
Quit Claim Deed - showing change of name on property, filed in ID County

I understand that since this property is under general water right adjudication so the fee for Notice of Change in Water Right Ownership is waived.

If I am wrong please call me immediately and I will send a check for the required amount. 208-634-8798

Sincerely,

Kathleen L Poston

Kathleen L Poston

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

RECEIVED
 JUN 27 2005
 IDWR/North

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A77-07013					

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)

Boyd C. Miller

4. New Owner/Claimant(s)

Kathleen L. Poston

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

New Mailing Address

PO Box 1558

City, State and ZIP Code

McCall, ID 83638

New Telephone Number

() 208-634-8798

5. Date you acquired the property

1995, 2000

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 _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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 _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Kathleen J Poston
(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 <u>db</u>	Date <u>6/27/05</u>	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 18, 1996

PHILIP E. BATT
GOVERNOR

BOYD C MILLER
PO BOX 1558
MCCALL ID 83638

KARL J. DREHER
DIRECTOR

Re: Change of Ownership A77-07013

Dear Mr Miller:

Enclosed for your records is a copy of claim form A77-07013 reflecting you as the new claimant. This copy is for your records. There is nothing else you need to do at this time concerning the name change.

As I indicated during our telephone conversation, the water right records are not specific that the water right is only appurtenant to Lot 3. However, page 8 of the subdivision protective covenants imply the right is appurtenant to Lot 3.

The claim is subject to a future review as part of the Snake River Basin Adjudication process. We anticipate it will be several years before this review is completed. We will contact you at that time if additional information is needed. In the mean time please contact this office if you have questions or need assistance.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc
Ownership A7707013

Heinz Stipple
Barbara Ewenberg

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

Ident. Number: **A77-07013**
Date Received: **8/ 9/1988**
Receipt No: **W000613**
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: **BOYD C MILLER** 208-634-8798
Address: **PO BOX 1558**
MCCALL ID 83638

2. Date of Priority: **JUL 22, 1969**

3. Source: **FIVEMILE CREEK** Trib. to: **SALMON RIVER**

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	08E	21	NE	NE			IDAHO

5. Description of diverting works:
16" PIPE TO GENERATOR (10KW) FROM CREEK UNDER 30' OF HEAD.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.060		13.50
STOCKWATER	01/01	12/31	0.020		1.00
DOMESTIC	01/01	12/31	0.020		0.60
POWER	01/01	12/31	8.000		5791.80

7. Total Quantity Appropriated is:
8.080 C.F.S. (and/or) 5806.90 A.F.A.

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

9. Non-irrigation uses:
POWER, DOMESTIC, STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	08E	21	NE	NE		IRR	3.0

Section Acres 3.0

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
CENTER FOR VITAL STATISTICS AND HEALTH POLICY

DEC - 1 2000

State of Idaho CERTIFICATE OF DEATH

8345

State File No.

Local Reg. No. 968

DECEDENT		DECEDENT - NAME FIRST MIDDLE LAST BOYD COLUMBUS MILLER, JR.		SEX MALE	DATE OF DEATH (Month, Day, Year) NOV. 25, 2000
SOCIAL SECURITY NUMBER 238-58-1616		AGE - Last Birthday 62	UNDER 1 YEAR BIRTH DATE	UNDER 1 DAY HOURS	DATE OF BIRTH (Month, Day, Year) July 14, 1938
WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		PLACE OF DEATH (Check only one) ☐ Hospital ☐ (1) Inpatient ☐ (2) ER/Outpatient ☐ (3) DOA ☐ (4) Long-Term Care Facility ☐ (5) Own Residence ☐ (6) Other Private Residence ☐ (7) Other (Specify)		BIRTHPLACE (City and State or Foreign Country) Albemarle N.C.	
FACILITY NAME AND ADDRESS (If not a hospital, enter name of place, street and number) 14234 Adams Circle		CITY, TOWN OR LOCATION OF DEATH McCall		COUNTY OF DEATH Valley	
MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify) Married		SURVIVING SPOUSE (If wife, give maiden name) Kathleen L. Murphy		DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Be not over retired.) Manufacturing	
RESIDENCE STATE Idaho		CITY, TOWN OR LOCATION McCall		STREET AND NUMBER 14234 Adams Circle	
INSIDE CITY LIMITS? ☐ Yes ☒ No		WAS DECEDENT OF HISPANIC ORIGIN (Specify No or Yes - If yes, specify Cuban, Mexican, Puerto Rican, etc.) ☐ Yes ☒ No		RACE - American Indian, Black, Japanese, White, etc. (Specify) White	
EDUCATION Elementary/Secondary (0-12) College (1-4 or 5+) 3		DECEDENT'S EDUCATION (Specify only highest grade completed)		ZIP CODE 83638	
FATHER - NAME Boyd Columbus Miller, Sr.		BIRTHPLACE NC		MOTHER - FULL MAIDEN NAME Hallie Tabert	
INFORMANT'S NAME (Type Print) Kathleen L. Miller		MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) PO Box 1558, McCall, Idaho 83638		BIRTHPLACE NC	
METHOD OF DISPOSITION ☐ Burial ☒ Cremation ☐ Removal from Idaho ☐ Donation ☐ Other (Specify)		PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Parker's Magic Valley Crematory Twin Falls, Idaho		LOCATION - City or Town, State	
SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>M. O. O.</i>		LICENSE NUMBER (for Licensee) M-515		NAME AND ADDRESS OF FACILITY Heikkila Funeral Chapel, McCall, Idaho	
TIME OF DEATH 4:35 P.M.		DATE PRONOUNCED DEAD (Month, Day, Year) 11/25/00		WAS CASE REFERRED TO CORONER? ☐ Yes ☒ No	
MANNER OF DEATH (Check One) ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Pending Investigation ☐ Could Not Be Determined		IMMEDIATE CAUSE (Final disease or condition resulting in death) Colic blastoma Multistage		Approximate Interval Between Onset and Death 8/18 mo	
CAUSE OF DEATH Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (disease or injury that initiated events resulting in death) LAST		DUE TO (or as a consequence of): a. b. c. d.			
27. PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I. DVT, Liver Failure, PE		WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No		WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☒ No	
CERTIFIER (Check only one) ☒ PHYSICIAN - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ CORONER - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.		SIGNATURE AND TITLE OF CERTIFIER <i>David Bowen, MD</i>		LICENSE NUMBER 45059	
NAME AND ADDRESS OF CERTIFIER (Type Print) DAVID BOWEN, MD 331 West 1st St. McCall ID 83638		DATE SIGNED (Month, Day, Year) 11/27/00			
DATE OF INJURY (Mo., Day, Yr.) 11/25/00		HOUR OF INJURY 4:35 P.M.		DESCRIBE HOW INJURY OCCURRED 3rd vehicle in southbound lane 83638	
INJURY AT WORK? ☐ Yes ☒ No		IF TRANSPORTATION ACCIDENT, Specify ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other		PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify) At home	
CORONER'S REVIEW AREA 31a. I have reviewed and/or amended, and certified.		CORONER'S SIGNATURE <i>Shirley Allard</i>		DATE SIGNED (Month, Day, Year) November 27, 2000	
REGISTRAR <i>Shirley Allard</i>		DATE SIGNED (Month, Day, Year) November 27, 2000			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.

DATE ISSUED:

DEC 01 2000

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR

William M. Killen, Esq.
WILLIAM M. KILLEN, P.A.
Attorneys at Law
200 Park Street
P. O. Box 2330
McCall, Idaho 83638
Telephone: (208) 634-7118
Facsimile: (208) 634-5880
Idaho State Bar No. 1909

RECEIVED

JUN 27 2005

IDWR/North

Attorney for Personal Representative

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

IN THE MATTER OF THE ESTATE OF)	Case No. SP-00-245C
)	
BOYD C. MILLER, JR.)	NOTICE TO HEIRS OF
)	APPOINTMENT OF PERSONAL
Deceased.)	REPRESENTATIVE AND
)	INFORMAL PROBATE OF WILL

1. Information is hereby given that KATHLEEN L. MILLER, was appointed by the court, in Valley County, Idaho, as Personal Representative of the above-named decedent on December 8, 2000.

2. This information is being sent to all persons who have or may have an interest in the estate of the decedent.

3. No bond has been required.

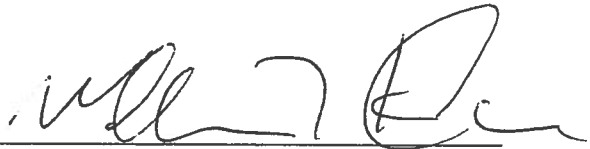
4. On December 8, 2000, the decedent's will, dated December 21, 1989 (and subsequent Codicils), was admitted to informal probate.

5. A copy of the Informal Probate of Will and Informal Appointment of Personal Representative is attached to this notice.

6. Papers relating to the estate of the decedent are on file in the District Court for the Fourth Judicial District of the State of Idaho, in and for Valley County, located at Cascade, Idaho.

DATED this 10th day of January, 2001.

WILLIAM M. KILLEN, P.A.

By 

William M. Killen
Attorney for Personal Representative

Vital Statistics
PO Box 83720
Boise, ID 83720-0036

State of Idaho

Marriage License

County of VALLEY

No. 423

KNOW ALL PERSONS BY THIS CERTIFICATE: That any regularly ordained minister of the Gospel, authorized by the rites and usages of the church or denomination of Christians, Hebrews, or religious body of which said minister is a member, or any judge or magistrate, or competent officer to whom this may come, not knowing of any lawful impediments thereto, is hereby authorized and empowered to solemnize the rites of Matrimony between:

GROOM

AND

BRIDE

Name: RICHARD GRAHAM POSTON

Address: MCCALL, VALLEY County, IDAHO

Age: 61 Race: WHITE Status: DIVORCED

Birthdate: 2/21/1943

Birthplace: PORTSMITH, NH USA

Name: KATHLEEN LYNN MILLER

Address: MCCALL, VALLEY County, IDAHO

Age: 45 Race: WHITE Status: WIDOWED

Maiden name if previously married: MURPHY

Birthdate: 6/10/1959

Birthplace: SPOKANE, WA USA

And to certify the same to said parties, or either of them under the signature and seal, of said minister or official capacity, and thereupon is required to deliver the original to the parties so married.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at CASCADE, VALLEY County, IDAHO, this 22nd day of July, 2004

LELAND G. HEINRICH Recorder

JoAnn K. Thy

Deputy Recorder

Marriage Certificate

I, Kelly T. Murphy, a Minister,
residing in the city of MCCALL, in the county of Valley, in the state of
Idaho do certify that, in accordance with the authority on me conferred by the above license, I did on this 21st day
of August in the year A.D. 2004 in the city of MCCALL in
the county of Valley, in the state of Idaho, solemnize the rites of matrimony between

RICHARD GRAHAM POSTON of MCCALL, in the county of VALLEY, of the state of IDAHO
and KATHLEEN LYNN MILLER of MCCALL, in the county of VALLEY, of the state of IDAHO

in the presence of _____ and _____
WITNESS my hand at the county aforesaid, this 21st day of August, A.D. 2004.

In the presence of:

Official's Signature

Official's Mailing Address

and

(Use typewriter and/or black ink)

(This copy for the Bride and Groom)

442016

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 7th day of June, 2005, by first party Kathleen L. Miller whose post office address is PO Box 1558, McCall, ID 83638 to second party, Kathleen L. Poston whose post office address is PO Box 1558, McCall, ID 83638.

WITNESSETH, That the said first party, for good consideration and for the sum of \$ _____ paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Idaho, State of Idaho, to wit:

Lot 3, Five Mile Bar Subdivision of Idaho Co, State of Idaho, as shown by the recorded plat thereof.

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

Jodine Barber
Witness

First Party

Kathleen O'Neil
Witness

Second Party

STATE OF _____ }
COUNTY OF _____ }

On June 7th 2005 before me, Brandie Francis personally appeared Kathleen L. Poston, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Brandie M. Francis
Signature

Affiant: Known Unknown

ID Produced: _____

STATE of IDAHO	
County of Idaho	
Recorded at request of <u>Richard G. Poston</u>	
at <u>9:30 A</u> m	on <u>6-9-05</u>
ROSE E. GEHRING	
By <u>Jed V. [unclear]</u>	Recorder
Fees \$ <u>3.00</u>	Deputy
BRANDIE M. FRANCIS	
Notary Public	
State of Idaho	

M/PO Box 1558
McCall, ID. 83638

04/20/2005

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

RIGHT NUMBER: 77-7013

NAME AND ADDRESS: BOYD C MILLER JR
PO BOX 1558
MC CALL ID 83638

SOURCE: FIVEMILE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 8.080 CFS
5,797.900 AFY

PRIORITY DATE: 07/22/1969

POINT OF DIVERSION:

T24N R08E S22 NWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS 0.60 AFY
POWER	01/01 12/31	8.000 CFS 5,791.80 AFY
STOCKWATER	01/01 12/31	0.020 CFS 1.00 AFY
IRRIGATION	03/15 10/31	0.020 CFS 4.50 AFY

PLACE OF USE: DOMESTIC Within IDAHO County

T24N R08E S22 NWNW

POWER Within IDAHO County

T24N R08E S22 NWNW

STOCKWATER Within IDAHO County

T24N R08E S22 NWNW

IRRIGATION Within IDAHO County

T24N R08E S22 NWNW 1.0

1 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: License

Right includes accomplished change in point of diversion and place of use pursuant to Section 42-1425, Idaho Code.

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

Ident. Number: **A77-07013**
Date Received: **8/ 9/1988**
Receipt No: **W000613**
Received By: _____

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

1. Name: **BOYD C MILLER** **208-634-8798**
Address: **PO BOX 1558**
MCCALL ID **83638**

2. Date of Priority: **JUL 22, 1969**

3. Source: **FIVEMILE CREEK** Trib. to: **SALMON RIVER**

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	08E	21		NE	NE		IDAHO

5. Description of diverting works:
16" PIPE TO GENERATOR (10KW) FROM CREEK UNDER 30' OF HEAD.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.060		13.50
STOCKWATER	01/01	12/31	0.020		1.00
DOMESTIC	01/01	12/31	0.020		0.60
POWER	01/01	12/31	8.000		5791.80

7. Total Quantity Appropriated is:
8.080 C.F.S. (and/or) 5806.90 A.F.A.

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

9. Non-irrigation uses:
POWER, DOMESTIC, STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	08E	21	NE	NE		IRR	3.0

Section Acres 3.0

10. Place of Use: Continued

Total Acres 3.0

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:
77-7013

14. Remarks:

FED. GOVT. OWNS LAND AT POD. PERMISSION GRANTED TO CLAIMANT ON
LAND USE PERMIT. LICENSED 10-16-79.
OWNERSHIP CHANGE 12/15/1995 BY MTS
OWNERSHIP CHANGE 1/18/1996 BY MTS

15. Basis of Claim: LICENSE

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: _____

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

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot 3, Block _____, Subdivision/Townsite FIVE MILE BAR Subdivision
If you have additional legal descriptions, please attach separate sheet. Idaho County, State of IDA

☐ 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)

RECEIVED

☐ Water Right Number(s) A77-07013
Assigned by IDWR:

JAN 17 1996

☐ Name and Address of Former Owner/Claimant(s)(Seller): US BANCORP FINANCIAL INC
111 SW FIFTH AVE, SUITE 810
PORTLAND OR 97204

WATER RESOURCES
WESTERN REGION

☐ New Owner/Claimant (Purchaser): BOYD C. MILLER

☐ New Mailing Address: PO BOX 1558
MCALL ID 83638

☐ New Telephone Number: (208) 634-8798

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Deed

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

☐ Signature of New Owner/Claimant(s) Boyd Miller B. Miller Date 1-14-96

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: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 1-18-96 By: MTS

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 24 1996

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

Ident. Number: **A77-07013**
Date Received: 8/ 9/1988
Receipt No: W000613
Received By: _____

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

1. Name: U.S. BANCORP FINANCIAL, INC 503-275-5919
Address: 111 SW FIFTH AVE, SUITE 810
PORTLAND OR 97204

2. Date of Priority: JUL 22, 1969

3. Source: FIVEMILE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	08E	21	NE	NE			IDAHO

5. Description of diverting works:
16" PIPE TO GENERATOR (10KW) FROM CREEK UNDER 30' OF HEAD.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.060		13.50
STOCKWATER	01/01	12/31	0.020		1.00
DOMESTIC	01/01	12/31	0.020		0.60
POWER	01/01	12/31	8.000		5791.80

7. Total Quantity Appropriated is:
8.080 C.F.S. (and/or) 5806.90 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER, DOMESTIC, STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	08E	21	NE	NE		IRR	3.0

Section Acres 3.0

MICROFILMED

OCT 24 1996

10. Place of Use: Continued

Total Acres 3.0

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:
77-7013

14. Remarks:
FED. GOVT. OWNS LAND AT POD. PERMISSION GRANTED TO CLAIMANT ON
LAND USE PERMIT. LICENSED 10-16-79.
OWNERSHIP CHANGE 12/15/1995 BY MTS

15. Basis of Claim: LICENSE

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 _____

384298

RECEIVED

SPECIAL

WARRANTY DEED

JAN 17 1996

WATER RESOURCES
WESTERN REGION

THIS INDENTURE, made on this 28th day of December, 1995, by

and between U. S. BANCORP FINANCIAL, INC., an Oregon corporation,
successor in interest to SPECTRUM PROPERTIES, INC., of 1110 ^{5^W} ~~West~~
Fifth Avenue, Portland, OR 97208, hereinafter referred to as the
Grantor, and BOYD C. MILLER, a married man, of P.O. Box 1558,
McCall, ID 83638, hereinafter referred to as the Grantee.

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 it in hand paid by
the said Grantee, the receipt whereof is hereby acknowledged,
having granted, bargained, sold, and by these presents does grant,
bargain, sell, convey, and confirm unto the said Grantee, his heirs
and assigns, all the following described real property situate in
the County of Idaho, State of Idaho, to wit:

Lot 3, Five Mile Bar Subdivision of Idaho County, State of
Idaho, as shown by the recorded plat thereof.

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 property as well in law as in equity of
the said Grantor.

TO HAVE AND TO HOLD, all and singular, the above mentioned
and described premises, together with the appurtenances unto the
said Grantee, his heirs and assigns forever.

And the said Grantor, for itself, its heirs, executors, and
administrators, does covenant, grant, bargain, and agree to and
with the said Grantee, his heirs and assigns, that at the time
of the ensembling and delivery of these presents it was well
seized of the premises above conveyed as of good, sure, perfect,
absolute, and indefeasible estate of inheritance, in fee simple,
and have good right, full power, and lawful authority to grant,
bargain, sell, and convey the same in the manner and form

WARRANTY DEED - 1

INDEXED 11
TRACTED 03
FILMED 00
SERIALS 00

aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, EXCEPT:

- 1) The Grantor does not warrant that there is continuous deeded access from the property to the nearest public road.
- 2) Declaration of Protective Covenants, including the terms and conditions thereof, recorded June 13, 1977, under Instrument No. 268465, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantee, his heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantor will and shall WARRANT AND FOREVER DEFEND.

That this deed is given by Grantor to Grantee not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantee to Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

U. S. BANCORP FINANCIAL, INC.

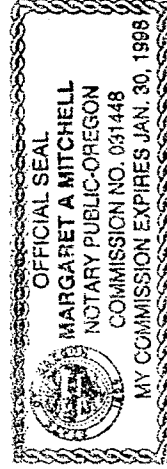
By *Joe S. Normandeau*
Authorized Agent

STATE OF *Oregon* ss
County of *Washington*

On this *27th* day of December, 1995, before me, a Notary Public in and for said County and State, personally appeared *Joe S. Normandeau*, authorized agent for U. S. Bancorp Financial, Inc., known to me to be the person whose name is subscribed to the within instrument and he/she acknowledged to me that he/she freely executed the same for and on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)



Margaret A. Mitchell
Notary Public for the State of *Oregon*,
Residing at *Portland*, therein.
My commission expires *1-30-98*.

STATE of IDAHO	ss
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at <u><i>40</i></u> minutes past <u><i>10</i></u> o'clock <u><i>A</i></u> M,	
this <u><i>29</i></u> day of <u><i>Dec</i></u> , 19 <u><i>95</i></u>	
ROSE E. GEHRING	
By <u><i>Cassidy Johnson</i></u>	Recorder
Fees \$ <u><i>6.00</i></u>	Deputy

WARRANTY DEED - 2

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 08/03/92

LEGAL DESCRIPTION OF PROPERTY: Township 24 Range 8
 Section 1/4 of 1/4 of 1/4 Govt. Lot 1, BM.
 Lot 3 Block 1 Subdivision/Townsite Five Mile Bar Subdivision
 If you have additional legal descriptions, please attach separate sheet. Idaho County, State of Idaho

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR:

A 77-07013

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

Rodney T. Cox

23545 NW Blvd.

Hillsboro OR 97124

☐ New Owner/Claimant
(Purchaser):

U.S. Bancorp Financial, Inc.

☐ New Mailing Address:

111 SW Fifth Ave., Suite 810

Portland, OR 97204

☐ New Telephone Number:

(503) 275-3158

Fax: (503) 275-5919

☐ 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:

Sheriff's Deed - Certification

(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)

U.S. Bancorp Financial, Inc., Zoe Normandeau

Date 12/14/95

☐ 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

By:

Further Action Needed:

Further Action Taken:

Date

By:

Final Review and Data-Entry

Date

By:

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 24 1996

1
2 KERRY A. WAGNER
3 Randall, Blake & Cox
4 P. O. Box 446
5 Lewiston, ID 83501
6 (208) 743-1234
7

8 IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

10 U.S. NATIONAL BANK OF OREGON,)
11 an Oregon corporation,)

12 Plaintiff,)

13 vs.)

No. CV-27195

CERTIFICATE OF SALE

14 RODNEY T. COX and CHANA B.
15 COX, husband and wife,)

Defendants.)

16 By virtue of a Decree of Foreclosure entered on
17 December 9, 1991, in the above-entitled action, I was
18 commanded to sell the property hereinafter described,
19 according to law, and to apply the proceeds of said in
20 satisfaction of the judgment in the above action of
21 \$188,943.14, with interest from December 9, 1991, an costs,
22 as specified in the Decree of Foreclosure:

23 I, RANDY D. BALDWIN, Sheriff, do hereby certify
24 that on January 31, 1992, I duly sold the real
25 property described below, after due and legal notice given,
26 to the U.S. National Bank of Oregon, the highest bidder, for
27 \$150,163.28, the highest bid, at a public auction conducted
28

CERTIFICATE OF SALE
PAGE 1

MICROFILMED

OCT 24 1996

Randall, Blake & Cox
ATTORNEYS AT LAW
P.O. Box 446
Lewiston, Idaho 83501

by me at the Idaho County Courthouse in Idaho County, State of Idaho.

The real property sold is situate in the County of Idaho, State of Idaho, and is more particularly described as follows:

Five Mile Bar Subdivision
Lot No. 3
Idaho County
Idaho Township
24 North, Range Eight East
Boise Meridian
State of Idaho

Together with any and all tenements, hereditaments, and appurtenances hereunto belonging or used in connection therewith.

Together with all water and water rights used upon or appurtenant to said lands, and however evidenced.

The above property was sold in one parcel; the highest bid therefor was \$150,163.28, which was the whole price paid for the same. The sale is subject to *six months (6 mo) Rpm.* redemption ~~within one (1) year~~, pursuant to Title 11, Chapter 4, Idaho Code.

DATED this 3 day of February, 1992.

Randy D. Baldwin
SHERIFF

MICROFILMED

OCT 24 1996

364467

COMPUTER ☒
INDEXED ☒
TRACTED ☒
FILMED ☒
ASSESSOR ☒

SHERIFF'S DEED

THIS INDENTURE, made this 3rd day of August, 1992, by and between RANDY D. BALDWIN, as Sheriff of Idaho County, Idaho, Party of the First Part, and U. S. NATIONAL BANK OF OREGON, Party of the Second Part, whose address is P. O. Box 4412, Special Asset Group, T-8, Portland, Oregon 97208:

W I T N E S S E T H:

WHEREAS, by virtue of a Decree of Foreclosure and Order of Sale entered the 9th day of December, 1991, the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho, in Case No. CV-27195, and further, under the authority of an Execution in Foreclosure, it was, among other things, ordered, adjudged and decreed by the said Court, in a certain action pending therein between U. S. National Bank of Oregon, plaintiff, versus Rodney T. Cox and Chana B. Cox, husband and wife, defendants, that all and singular, the mortgaged premises mentioned in the Complaint in said action and in said Decree of Foreclosure and Order of Sale and Execution in Foreclosure and hereinafter described, be sold at public auction according to the course and practice of said Court and according to the statute in such case made and provided by or under the direction of the Sheriff of Idaho County, Idaho; that said sale be made in the county where the premises are situated; that said Sheriff give

public notice of the time of said sale according to the court and practice of the Court and according to the statute in the case of sale of real property upon foreclosure; that any of the parties in said action might become a purchaser or purchasers on such sale, and that the said Sheriff execute to the purchaser or purchasers of the said mortgaged premises a good and sufficient deed or deeds of conveyance for the same upon the expiration of six (6) months from the date of said sale, if no redemption is effected prior thereto; and

WHEREAS, the said Sheriff, in pursuance of said Decree of Foreclosure and Order of Sale and Execution in Foreclosure did, on the 31st day of January, 1992, sell at public auction at the front door of the Idaho County Courthouse, at Grangeville, Idaho, the premises in said Decree of Foreclosure and Order of Sale and Execution in Foreclosure described; due notice of the time and place of said sale being first duly given according to law, at which sale the premises hereinafter described were struck off to the Party of the Second Part for the sum of ONE HUNDRED FIFTY THOUSAND ONE HUNDRED SIXTY-THREE AND 28/100 DOLLARS (\$150,163.28), the being the highest sum bid for the same; and

WHEREAS, on February 3, 1992, the said Sheriff executed and delivered his Sheriff's Certificate of Sale in Foreclosure evidencing the said sale; and

WHEREAS, more than six (6) months have elapsed since said sale and since the execution, delivery and recording of the

Sheriff's Certificate of Sale in Foreclosure, and during said period of time no redemption having been effected or attempted;

NOW, THEREFORE, the Party of the First Part, Sheriff as aforesaid, in order to carry into effect said sale so made by him as aforesaid, in pursuance of the Decree of Foreclosure and Order of Sale and Execution in Foreclosure, and in conformity with the statutes in such case made and provided, and in consideration of the premises and of the said sum of money so bid and paid as aforesaid by the Party of the Second Part, the receipt whereof is hereby acknowledged, has bargained and sold and does by these presents grant and convey unto the Party of the Second Part the following described real property, situate in Idaho County, Idaho, more particularly described as follows, to-wit:

Five Mile Bar Subdivision
Lot No. 3
Idaho County
Idaho Township
24 North, Range Eight East
Boise Meridian
State of Idaho

Together with any and all tenements, hereditaments, and appurtenances hereunto belonging or used in connection therewith.

Together with all water and water rights used upon or appurtenant to said lands, and however evidenced.

TO HAVE AND TO HOLD the same unto the Party of the Second Part, its successors and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set his hand the day and year in this instrument first above written.

RANDY D. BALDWIN
SHERIFF, Idaho County

By Randy D. Baldwin

STATE OF IDAHO)
 :SS.
County of Idaho)

On this 3rd day of August, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared RANDY D. BALDWIN, Sheriff of Idaho County, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Roma P. McAfee
Notary Public in and for the
State of Idaho, residing at
White Bird, therein.
My Commission Expires:
August 13, 1993

Filed and recorded at the request of Idaho Co. Sheriff
at 12:15 o'clock A M this 3 day of Aug 1992
By Kathleen Schmitz
Deputy

ROSE E. GEHRING
Ex-Officio Auditor and Recorder
Idaho County, Idaho

Fee \$ 13.00
m/ Roma McAfee

CERTIFICATION

I, Deborah B. Goldberg, Secretary of U. S. Bancorp Financial, Inc., an Oregon corporation (the "Company") hereby certify that Spectrum Properties, Inc. Was merged with and into the Company , with the Company surviving, effective on December 28, 1994.

I further certify that attached documents are true and correct copies of the Articles of Merger, as filed with the Office of the Secretary of State of the State of Oregon to effect the merger of Spectrum Properties, Inc. with and into the Company.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of U. S. Bancorp Financial, Inc., this 14th day of December, 1995.



Deborah B. Goldberg, Secretary
U. S. BANCORP FINANCIAL, INC.

(SEAL)



MICROFILMED
OCT 24 1996

STATE OF OREGON

COPY

Office of the Secretary of State Corporation Division

I, *Janet Sullivan*, Director of the Corporation Division,
DO HEREBY CERTIFY:

That the attached copy of the
Articles of
Merger
filed on
December 28, 1994
for
SPECTRUM PROPERTIES, INC.
merging with and into
U. S. BANCORP FINANCIAL, INC.

with the survivor as
U. S. BANCORP FINANCIAL, INC.
is a true copy of the original document
that has been filed with this office.



Janet Sullivan
Director

BY *peblie vrag*
DATE November 7, 1995

MICROFILMED
OCT 24 1996

081400-14
Submit the original
and one true copy
\$10.00



Corporation Division - Business Registry
Public Service Building
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327
(503) 986-2200 Facsimile (503) 378-4381

THIS SPACE FOR OFFICE USE ONLY

Survivor's Registry Number:

081400-14

FILED

DEC 28 1994

ARTICLES OF MERGER

Business and/or Nonprofit Corporations

SECRETARY OF STATE

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

1. Names of the corporations proposing to merge:

A. Spectrum Properties, Inc. #203203-13

B. U. S. Bancorp Financial, Inc. #081400-14

2. Name of the surviving corporation: U. S. Bancorp Financial, Inc.

3. A copy of the plan of merger is attached.

4. Corporation A - check the appropriate statement:

☒ Shareholder/membership approval was not required. The plan was approved by a sufficient vote of the board of directors.

☐ Shareholder/membership approval was required. The vote was as follows:

If Corporation A
is a business
corporation

Class(es) entitled to vote	Number of shares outstanding	Number of votes entitled to be cast	Number of votes cast for	Number of votes cast against

If Corporation A
is a nonprofit
corporation

Class(es) or series of shares	Number of members entitled to vote	Number of votes entitled to be cast	Number of votes cast for	Number of votes cast against

Corporation B - check the appropriate statement:

☒ Shareholder/membership approval was not required. The plan was approved by a sufficient vote of the board of directors.

☐ Shareholder/membership approval was required. The vote was as follows:

If Corporation B
is a business
corporation

Class(es) entitled to vote	Number of shares outstanding	Number of votes entitled to be cast	Number of votes cast for	Number of votes cast against

If Corporation B
is a nonprofit
corporation

Class(es) or series of shares	Number of members entitled to vote	Number of votes entitled to be cast	Number of votes cast for	Number of votes cast against

Execution for
Surviving
Corporation

Deborah B. Goldberg
Signature

Deborah B. Goldberg
Printed name
Secretary
Title

Person to contact about this filing: Deborah B. Goldberg 503/ 275-6999

Name

Daytime phone number

MAKE CHECKS PAYABLE TO THE CORPORATION DIVISION OR INCLUDE YOUR VISA OR MASTERCARD NUMBER AND EXPIRATION DATE / / . SUBMIT THE COMPLETED FORM AND FEE TO THE ABOVE ADDRESS OR FAX TO (503) 378-4381.

117 (11/93)

12299402924 831.219

MICROFILMED
OCT 24 1996

10.00
12/28

08140014

AGREEMENT AND PLAN OF MERGER

Dated: December 28, 1994

Between: Spectrum Properties, Inc. ("Spectrum"), an Oregon corporation

And: U.S. Bancorp Financial, Inc. ("USBF"), an Oregon corporation

Recitals

A. USBF and Spectrum are wholly owned subsidiaries of U. S. Bancorp ("Bancorp"), an Oregon corporation.

B. In connection with a corporate reorganization, the parties propose to merge Spectrum with and into USBF, with USBF as the surviving corporation ("Merger").

In consideration of the foregoing recitals, the parties agree as follows:

1. Merger. At the Effective Date (as defined herein), Spectrum shall be merged with and into USBF, the separate existence of Spectrum shall cease, and USBF and Spectrum shall thereafter be a single corporation that shall be USBF as the surviving corporation. USBF shall thereupon and thereafter possess all the rights, privileges, and powers, and all property, real, personal, and mixed; all debts due on whatever account of each of the corporations so merged shall be deemed to be transferred and vested in USBF as the surviving corporation without any other act or deed; the title to any real estate or any interest therein vested in any of such corporations shall not revert or be in any way impaired by reason of the Merger; all rights of creditors and all liens upon any property of either of the merging corporations shall be preserved unimpaired.

2. Consideration. On the Effective Date, the assets and liabilities of Spectrum will be valued at book value (i.e., historical cost) and transferred to USBF.

3. Cancellation of Shares. On the Effective Date the stock certificates of Spectrum shall be canceled.

4. Effective Date. The date and time of the filing of the articles of merger with the Oregon Secretary of State shall be the "Effective Date" of the Merger.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed and acknowledged by their duly authorized representatives as of the date first set forth above.

U.S. BANCORP FINANCIAL, INC.

SPECTRUM PROPERTIES, INC.

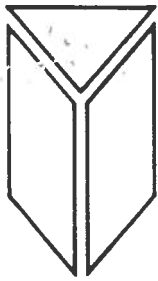
By: [Signature]
Title: Secretary

Jack29 (12/22/94-10:11 AM)

By: Sheryl W. Dawson
Title: Assistant Secretary

MICROFILMED

OCT 24 1996



**SPECTRUM 1
PROPERTIES
INCORPORATED**

111 S.W. Fifth Ave. Suite 850
Portland, Oregon 97204

August 19, 1992

Idaho Title Company, Inc.
319 West Main St.
Grangeville, ID 83530

RE: Your No.: 8071-B Dated February 13, 1992
Our OREO No. 340832

Gentlemen:

Enclosed you will find a deed from U.S. National Bank of Oregon to Spectrum Properties, Inc. You are requested to record the deed, transferring title to Spectrum Properties.

After recording of the deed, you are requested to issue an Owners Title Policy, in the amount of \$92,000, naming Spectrum Properties as the insured when you can eliminate exception #7, Paragraph C of your Schedule B, from the policy.

You are authorized to pay for all recording fees on our behalf. Such advances shall be promptly reimbursed upon billing.

Informationally, Spectrum Properties, Inc. is a wholly owned subsidiary of U.S. Bancorp and performs the marketing functions of certain real estate acquired by the various subsidiaries.

Return billing and documents: Spectrum Properties, Inc. (T-8)
PO Box 4412 (340832)
Portland, OR 97208

Sincerely,

Larry L. Hill
Marketing Officer
Spectrum Properties, Inc.
(503) 275-6954

LH/tkz

Enclosures

MICROFILMED
OCT 24 1996

364835

QUITCLAIM DEED

FILMED
ASSESSOR

BY
NOTARY

KNOW ALL MEN BY THESE PRESENTS, That United States National Bank of Oregon

for the consideration hereinafter stated, does hereby remise, release and quitclaim unto Spectrum Properties, Inc., an Oregon Corporation

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Idaho, State of Oregon, described as follows, to-wit:

Lot 3, Five Mile Bar Subdivision of Idaho County, State of Idaho, as shown by the recorded plat the recorded plat thereof; in Idaho Township 24 North, Range Eight East Boise Meridian, State of Idaho.

Together with any and all tenements, hereditaments, and appurtenances hereunto belonging or used in connection therewith.

Together with all water and water rights used upon or appurtenant to said lands, and however evidenced.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-

However, the entire consideration consists of the property of the grantor, which is the same as the property of the grantee, and the grantor has promised to convey the same to the grantee, and the grantee has promised to accept the same.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 24 day of August, 1992, if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

UNITED STATES NATIONAL BANK OF OREGON

By: I. Watkins

Vice-President

STATE OF OREGON, County of Multnomah

This instrument was acknowledged before me on

by

by O. T. Watkins
as Vice President
of United States National Bank of Oregon

This instrument was acknowledged before me on

19

Notary Public for Oregon

My commission expires 11-28-93

Unites States National Bank of Oregon
P.O. Box 4412, SAG, T-8
Portland, OR 97208

GRANTOR'S NAME AND ADDRESS

Spectrum Properties, Inc.
111 SW Fifth, Suite 850
Portland, OR 97204

GRANTEE'S NAME AND ADDRESS

After recording return to:
Spectrum Properties, Inc.
111 SW 5th, Suite 850
Portland, OR 97204

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Spectrum Properties, Inc.
111 SW Fifth, Suite 850
Portland, OR 97204

NAME, ADDRESS, ZIP

STATE OF Idaho
IDAHO COUNTY TITLE CO.
County of Idaho

I certify that the within instrument was received for record on the 24 day of August, 1992 at 1:30 o'clock P.M., and recorded in book/reel/volume No. 111-211-111 on page or as document/fee/file/instrument/microfilm No. Record of Deeds of said county.

Witness my hand and seal of County affixed.

ROSE E. GEHRING

NAME TITLE

By E. L. Anderson Deputy

BUCKSKIN BILL

FIVE-MILE-BAR-SUBDIVISION

These Lots are on the main Salmon River in the River of No Return Wilderness and in the Idaho Primitive Area

Lot No. 1, Home of Sylvan A. Hart, "Buckskin Bill", last of the mountain men
 Lot No. 3, modern house, 2400 sq. feet, hydro-electric plant, glass plant, water, sewer installed. Replacement value of improvements in excess of \$450,000.
 Lot No. 4, cabin
 Lot No. 5, modified A Frame, partially completed

FIVE-MILE-BAR SUBDIVISION

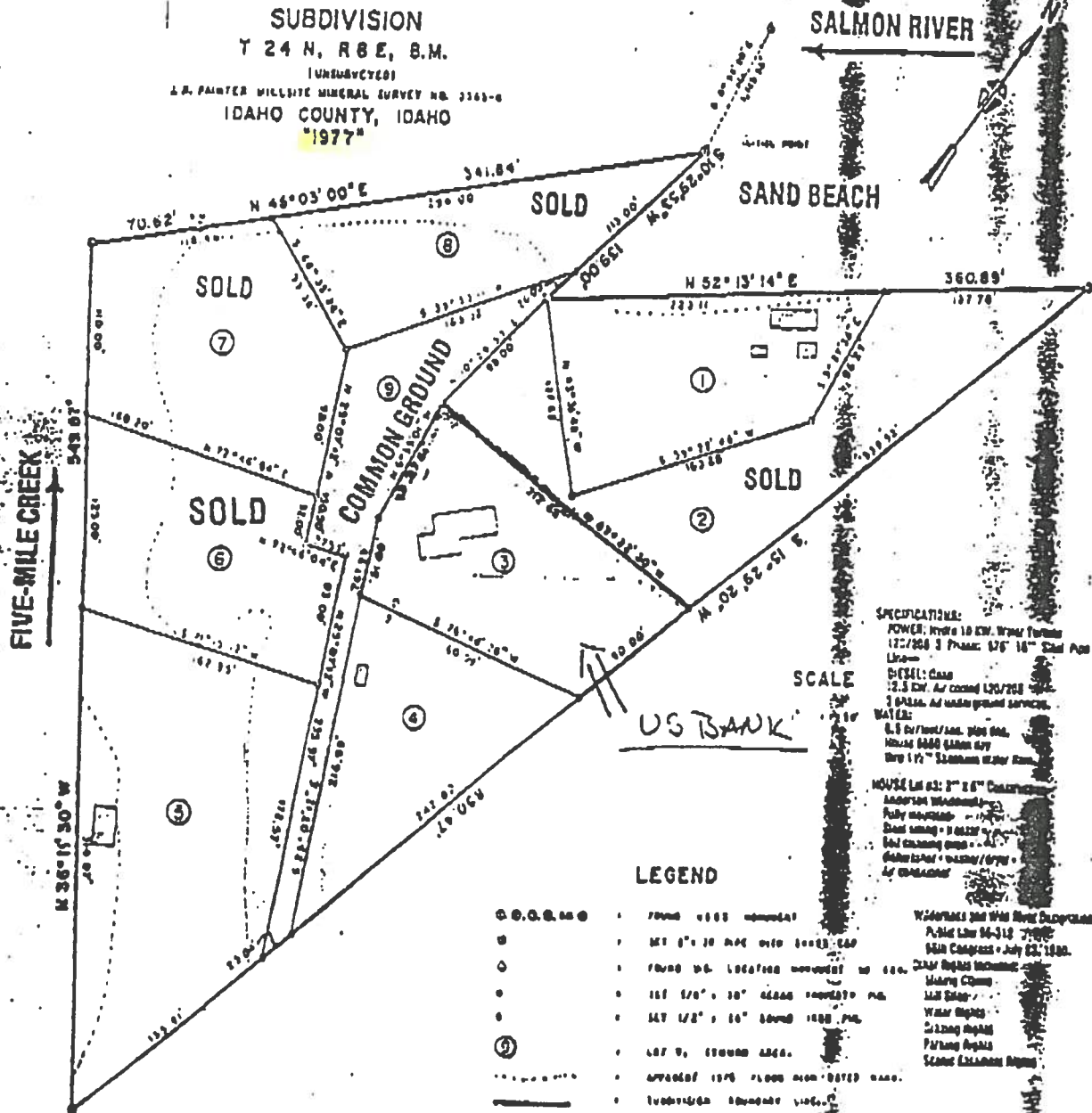
T 24 N. R 8 E, S.M.

(UNSUBDIVIDED)

L.A. PAINTER WILLIAMS MINERAL SURVEY NO. 3363-6

IDAHO COUNTY, IDAHO

1977



SCALE

US BANK

SPECIFICATIONS:
 POWER: Hydro 10 KW. Water Turbine
 177/200 3 Phase 575 16" Steel Pipe
 Line
 DISEL: Case
 2.5 KW. Air cooled 120/200
 3 GALLON. Ad. water ground services.
WATER:
 6.5 cu/ft/min. pipe 6in.
 House 6000 GALLON CIST.
 thru 1 1/2" 3/4" 1/2" water line

HOUSE Lot #3: 2" x 6" Construction
 Anderson Windows
 Fully equipped
 Steel siding - 9 1/2" x 12"
 Solid cladding over - 4"
 Galvalume - 1/2" x 6"
 Air conditioner

WATER RIGHTS AND SALMON RIVER SUBDIVISION
 Public Law 94-312 7-9-76
 94th Congress - July 22, 1976
 CLAIM RIGHTS INCOME:
 Mining Claims
 Mill Sites
 Water Rights
 Grazing Rights
 Fishing Rights
 Scenic Exchange Rights

LEGEND

- FOUND 1988 MONUMENT
- MET 6" x 10" MON. OVER 1000' EAD
- FOUND 1966 LOCATION MONUMENT NO. 120
- 1 1/2" x 10" 10" 1000' MONUMENT NO. 120
- 1 1/2" x 10" 10" 1000' MONUMENT NO. 120
- LOT 8, COMMON AREA
- APPROX. 1976 PLANNED MON. DATED 1980
- SUBDIVISION BOUNDARY LINE
- LOT BOUNDARY LINE
- STREAM BOUNDARY LINE

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Lot 8 = Common Area

ALXING PARTITION

Lot 2 = \$ 21,500.00

Lot 4 = \$ 72,000.00

Lot 6 = \$ 35,000.00

Lot 8 = \$ 50,000.00

DECLARATION OF PROTECTIVE COVENANTS
FIVE-MILE-BAR SUBDIVISION
Idaho County, Idaho

Instrument No.
268465
June 13, 1977

KNOW ALL MEN BY THESE PRESENTS:

WARNING TO ALL BUYERS IN THE FIVE-MILE-BAR SUBDIVISION:

This property is one of the most remote properties in the Continental United States:

Access is by Helicopter, small airplane (2 strips within $3\frac{1}{2}$ miles and by) road. The road access is poor, but the Forest Service on December 21, 1976, issued a Special Use Permit to improve the road.

No services can be expected from Idaho County -- except the use of the Idaho County Airport in Grangeville. No public schools, no road assistance, and no other assistance of any matter can be expected from Idaho County.

A. APPLICATION:

1. Establishment and Enforcement. The undersigned Rodney T. Cox and Chana B. Cox, husband and wife, hereinafter called Declarants, to carry out the purposes herein recited, hereby declare that the real property situate in Idaho County, Idaho, hereinafter described, all of which is owned by Declarants and collectively referred to herein as "said tract" shall be subject to the restrictive covenants hereinafter set forth which are imposed as a plan for the general and uniform improvement of said tract and for the mutual benefit of Declarants and all of their successors in ownership of any portion of said tract, and as amended from time to time as hereinafter provided, are hereby declared to run with the land and to bind the Declarants, by the association hereinafter described and/or by those successors to and assigns of Declarants who directly or through mesne conveyances become and at the time remain the owners of any lot in or part of the said tract.

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OCT 24 1996

each such lot sale is made the buyers therein shall be liable for their proportionate share of the operation and maintenance of such common and water systems. Thereafter as each additional lot is sold in such subdivision, a similar undivided interest in and to such common areas and water systems shall be transferred by Declarants to such home owners association so that when all lots have been sold by Declarants the homeowners association shall own all of such common and sewer and water systems.

I. Auxiliary Rights. Upon the sale of the final subdivision lot, Rodney T. Cox and Chana B. Cox will transfer to the home owners association all of the following rights and interest which can at that time be transferred. No guarantee of any kind is made as to the value of these enclosed claims, although the declarants believe these rights to be of value.

- a. Three unpatented mining claims, Excelessor, Little Nellie, Ethiopia.
- b. Nine unpatented mill sites.
- c. Water rights to Five Mile Creek-Little Five Mile Creek-Jersey Creek.
- d. Any claim on leases 4045-4047-4065 with the State of Idaho, mineral leases.
- e. Any claim or value in Color of Title action filed by Sylvan A. Hart concerning additional land around subdivision.
- f. Land use permits for land usage, parking, road use and construction, pack and/animal grazing.

2. Lot #3 shall have exclusive rights to the running, maintenance and use of the hydroelectric system. Subject to all legal restrictions the owner of #3 shall have the right to sell or allow other to use hydropower.

3. The diesel system shall be under the right and control of the home

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 77-7013 Priority July 22, 1969 Amount 8.08 cfs

THIS IS TO CERTIFY, that RODNEY T. COX
of McCall, Idaho, has complied with the terms and conditions of Permit
No. 77-7013 issued pursuant to Application for Permit dated July 22, 1969
and has submitted proof to the Department of Water Administration on June 21, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 8.08 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Five Mile Creek
tributary of the Salmon River is hereby confirmed in the following amounts:
Amount 8.0 cfs for Power from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.06 cfs for Irrigation from May 1 to Nov. 1 (both dates inclusive)
Amount 0.02 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)
0.02 cfs Stockwater Jan. 1 Dec. 31
Subject, however, to the condition that no more than 8.08 cfs of water be diverted at
any one time, said waters to be diverted within the

NE 1/4 NE 1/4 (unsurveyed), Sec. 21, Twp. 24 N, Rge. 8 E, B.M.
in the county of Idaho, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 13.5 acre feet per year or
4.5 acre feet per acre for irrigation; 0.6 acre feet for domestic; 1.0
acre feet for stockwater; and 5791.82 acre feet for power with the total amount
Description and location of place of use: not to exceed 5806.92 acre feet per year.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
24 N	8 E	21	3																3
			X	(domestic power & stockwater)															

Total number of acres irrigated 3

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
August, 19 72.

[Signature]
Director

77 7013

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

- Permit No. 77-7013
Examination for ELU

- Description of diverting works: Loose rubble in creek to divert to ditch - then to drop pond - to pipeline to hydro and water ram - to mill race to river

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE

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77 7015

EXAMINATION RECORDS

Diagram of System

Salmon River

by:

by:

by

by

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OCT 24 1996

26
DATE OF EXAM 27 June 72

POOR ORIGINAL

ACREAGE
Found 3 Acres
Recommended 3 Acres

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 0.6 c.f.s. V = 13.5 AF/Ann. from Mar 1 to Dec 1
Domestic Q = 0.2 c.f.s. V = 6 AF/Ann. from 1 Jan to Dec 31
Livestock Q = 0.2 c.f.s. V = 6 AF/Ann. from 1 Jan to Dec 31
Power 8.0 cfs V = 5840 AF/Ann. from 1 Jan to Dec 31

Is water co-mingled? yes no

Name source: Five Mile Creek
twp. 24 N/S, Rge 8 E/W, B.M., Sec. 21, Sub. NE 1/4 NE Idaho County
Unsurveyed

Exchange? yes no

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 County _____

Total Q measured 8.08 cfs Method of measurement Submerged Orifice

Total Q recommended 8.08 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 5853 Acft/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

$Q = 0.708 \sqrt{2gH}$ Cross Section Area = 3.0 ft²
 $V = 5840 + 13.5 + 1.2 = 5853.72$
 $H = 3.08$ $Q = 0.23$ foot Head

SYSTEM DESCRIPTION:

Concrete Headgate with Variable opening Forms
A submerged Orifice and diversions structure from
Five Mile Creek 3.6" wide. Ditch runs 300 feet to
Concrete Headbox 4' wide, 6' deep x 8' long. Then into
16" Steel S-pipe 5'7.6' long to power turbine. 10 KW
Leffel Water Turbine

REMARKS:

Water Ram for domestic system can pump 9600 gals per
day into two pressure tanks - provide water for fire protection

Power: KATO AC Generator 10 KW 12.5 K.V.A. 110/220 (Running 120-200)
Butterfly Valve controls water to turbine. Solid state Voltage Regulator

Examiner's Signature James E. Fisher Date 28 June 72

Checked by _____ Date _____

Approved by _____ Date _____

Note: Please Rush 17 7013
Federal Suit Pending Completed August 15, 1972
In any question develop As Me!

MICROFILMED

OCT 24 1996

RANDALL, BLAKE & COX, P. A.

LAWYERS

1106 IDAHO STREET

P. O. BOX 446

LEWISTON, IDAHO 83501

(208) 743-1234

TELEFAX (208) 743-1266

WYNNE M. BLAKE
STEVE R. COX
DAVID R. RISLEY
KIM J. TROUT
JAY P. GASKILL
KERRY A. WAGNER
SCOTT M. CHAPMAN
J. A. WRIGHT

RUSSELL S. RANDALL
OF COUNSEL

August 14, 1992

RECEIVED
AUG 13 1992

U. S. Bancorp
P. O. Box 4412
Special Asset Group, T-8
Portland, OR 97208

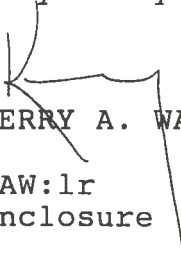
ATTN: Ms. Julie Smith

Re: U. S. Bank v. Cox

Dear Julie:

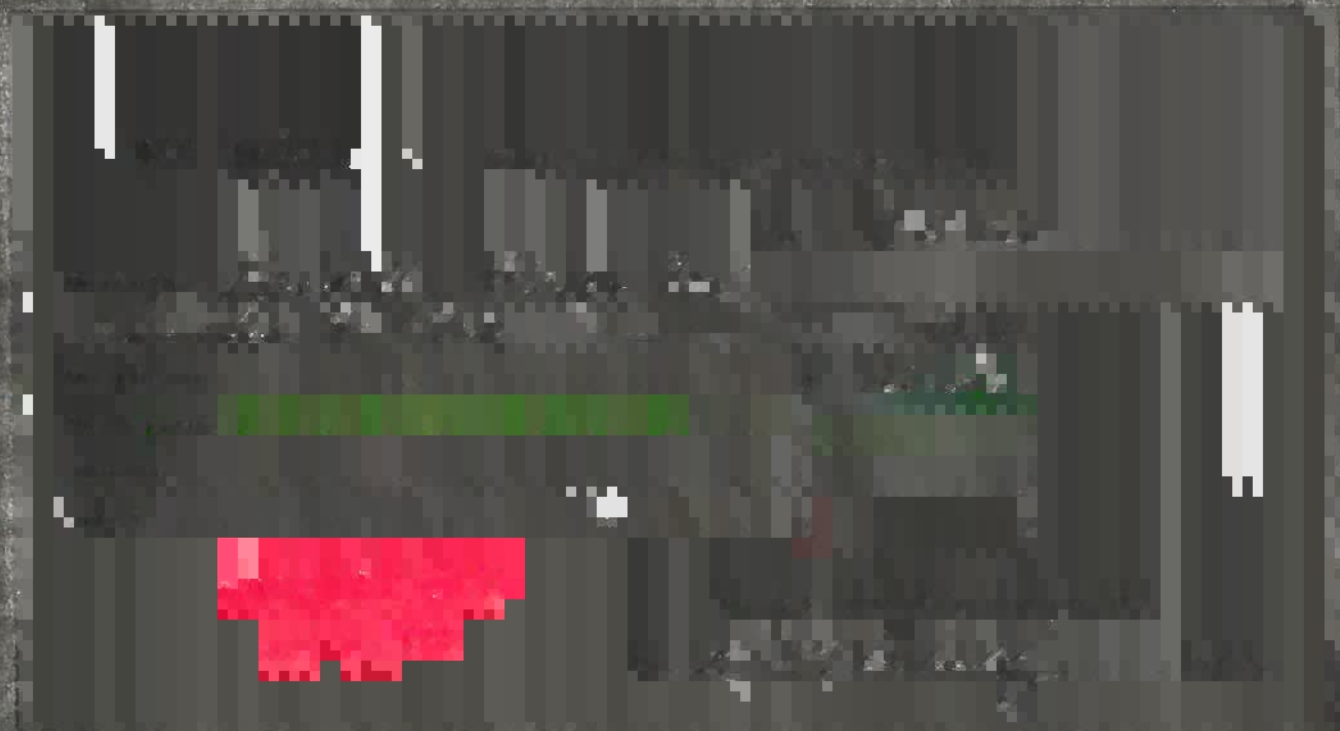
I am enclosing the original Sheriff's Deed for Lot No. 3 in the Five Mile Bar Subdivision. As you can see, the Deed has been executed by the Sheriff and has also been recorded in Idaho County. U. S. Bank has now acquired legal title to Lot 3. I have made a copy for my records, and the enclosed original is for your files.

Very truly yours,


KERRY A. WAGNER

KAW:lr
Enclosure

MICROFILMED
OCT 24 1996



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

Ident. Number: A77-07013
Date Received: 8/01/0088
Receipt No: W000613
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
SEP 19 1988

Department of Water Resources
Western Regional Office

1. Name: RODNEY T. COX
Address: MC CALL, ID

2. Date of Priority: JUL 22, 1969

3. Source: FIVEMILE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	08E	21	NE	NE			IDAHO

5. Description of diverting works:
16" PIPE TO GENERATOR (10KW) FROM CREEK UNDER 30' OF HEAD.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.060		13.50
STOCKWATER	01/01	12/31	0.020		1.00
DOMESTIC	01/01	12/31	0.020		0.60
POWER	01/01	12/31	8.000		5791.80

7. Total Quantity Appropriated is:
8.080 C.F.S. (and/or) 5806.90 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER, DOMESTIC, STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	08E	21	NE	NE		IRR	3.0
Section Acres							3.0
Total Acres							3.0

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:
77-7013

14. Remarks:
FED. GOVT. OWNS LAND AT POD. PERMISSION GRANTED TO CLAIMANT ON
LAND USE PERMIT. LICENSED 10-16-79.

15. Basis of Claim: LICENSE

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): [Signature] Date: SEPT. 8/88

PROVINCE OF BRITISH COLUMBIA
~~State of Idaho~~)
County of VANCOUVER) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of SEPT. 19 88
[Signature]
Notary Public

Seal

Residing at VANCOUVER, B.C.
My Commission Expires N/A

**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: 39356

Ident. Number

A77-07013

Date Received

Receipt Number

RECEIVED
SEP 19 1988

Department of Water Resources
Western Regional Office

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

RECEIVED
AUG 1 1988

Department of Water Resources
Western Regional Office

Please type or print clearly1. Name of Claimant (s) Rodney T. Cox Phone (503) 621-3380Mailing Address 23545 N.W. Blvd. , Hillsboro, OR Zip 97124-68822. Date of Priority (Only one (1) per claim) 1969 July 22, 19693. Source of water supply (a) Five Mile Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 24N Range 8E Section 21,
Unsurveyed NE 930' from mouth of creek
NE 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of Idaho

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. 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. 16" pipeline into creek will go
to generator which will generate 10 KW under 30 feet of head

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Copies: White-State, Yellow-Claimant

OCT 05 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Power purposes from 1/1 to 12/31 amount 8.0 or _____

For Irrigation purposes from 5/1 to 11/1 amount 0.06 or _____

For Domestic purposes from 1/1 to 12/31 amount 0.02 or _____

For Stockwater purposes from 1/1 to 12/31 amount 0.02 or _____

7. Total quantity claimed (a) 8.08 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 13.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic-one household, stockwater-9 head of horses;
Hydropower 10 KW generator, 30' head

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	
24N	8E	21	I																3
(unsurveyed)			DPS	(Domestic, Power & Stockwater)															

Total number of acres irrigated 3

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

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: Federal government owns land at point of diversion-
permission granted to claimant on land use permit. Land where
water is used owned by claimant and wife.
licensed 10/16/79

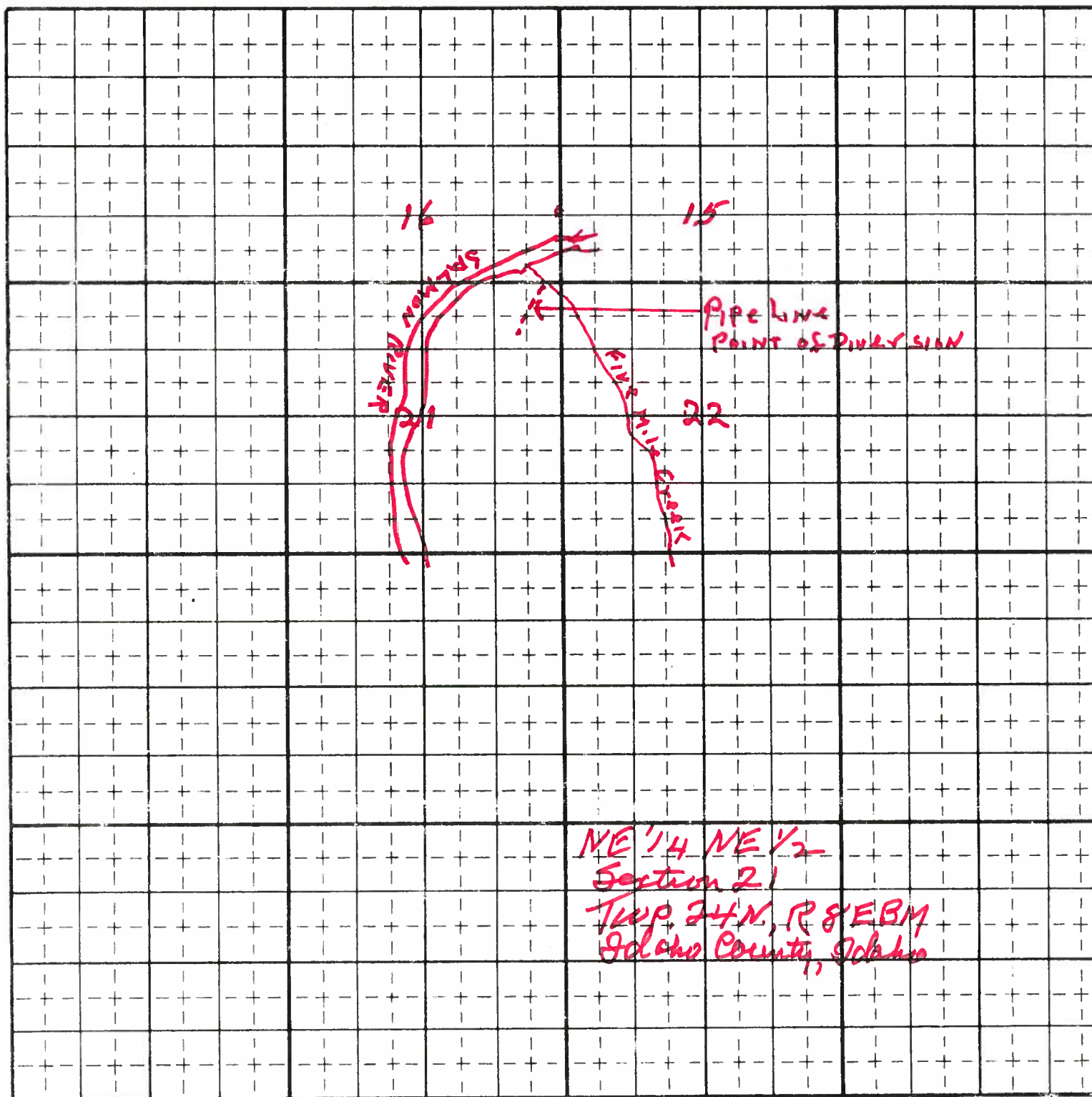
Last Name _____ Ident No. _____

MICROFILMED
Copies: White State, Yellow Claimant

OCT 05 1992

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

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
OCT 05 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit 77-7013

Decree _____

If applicable provide IDWR Water Right Number 77-7013

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 _____

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

Signature of Claimant (s) x Rodney D. Cox Date Sept 8, 1988

by William J. Dee, attorney Date _____

For Organizations: I do solemnly swear or affirm that I am for Rodney Cox

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
Oregon) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this 27 day of July 19 88

SEAL

Notary Public Julie Kachmitt

Residing at Grangeville

My Commission Expires 9-10-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, W. C. MacGREGOR, JR. 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 W. C. MacGregor, Jr.

Address P. O. Box 463, Grangeville, Idaho

Date July 14, 1988

Last Name _____ Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
OCT 05 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 18, 1996

PHILIP E. BATT
GOVERNOR

BOYD C MILLER
PO BOX 1558
MCCALL ID 83638

KARL J. DREHER
DIRECTOR

Re: Change of Ownership A77-07013

Dear Mr Miller:

Enclosed for your records is a copy of claim form A77-07013 reflecting you as the new claimant. This copy is for your records. There is nothing else you need to do at this time concerning the name change.

As I indicated during our telephone conversation, the water right records are not specific that the water right is only appurtenant to Lot 3. However, page 8 of the subdivision protective covenants imply the right is appurtenant to Lot 3.

The claim is subject to a future review as part of the Snake River Basin Adjudication process. We anticipate it will be several years before this review is completed. We will contact you at that time if additional information is needed. In the mean time please contact this office if you have questions or need assistance.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc
Ownership A7707013

Shanna - 5 mile bar 189 house on both

MICROFILMED

OCT 24 1996



Boyd Miller

Box 1558, McCall, ID. 83638
(208) 634-8798

January 16, 1996

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705
Attention: Mr. Mel Schulte

Dear Mr. Shulte:

I have enclosed a change of ownership form for the water rights at Five Mile Bar along with a copy of the Deed. I would just like to say a word of thanks for all of your help at the last minute when we were trying to close escrow with the U.S. Bancorp.

Sincerely

Boyd Miller

Boyd Miller

RECEIVED

JAN 17 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 24 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 18, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID SOUTHERS
SOUTHERS PROPERTIES
104 S CAPITOL BLVD
BOISE ID 83702

Re: SRBA claim A77-07013

Dear Dave:

Enclosed is a copy of the Snake River Basin Adjudication claim for right 77-07013. Please note this copy is for the files of the new claimant, U.S. Bancorp Financial.

A review of the water right records and the documents you provided indicate the Five-Mile-Bar Subdivision was platted in 1977 after the water right license was issued in 1972. The documents are not specific that the right is only appurtenant to Lot 3, Five-Mile-Bar. However, based on the implications on page 8 of the subdivision's protective covenants, it appears water right 77-07013 is appurtenant only to Lot 3.

The claim is subject to a future review as part of the adjudication process. The next thing that needs to be done in the near future concerning this review is to file another notice of ownership change after the pending sale of Lot 3 is complete. Enclosed is a form to use. Call me at the number below if you have any questions or need assistance to complete the filing.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.



David S. Southers

(208) 342-6320 Fax: (208) 336-6618
104 S. Capitol Blvd. Boise, Idaho 83702

Commercial Real Estate Services

RECEIVED MED

LAW OFFICES
DEE, MacGREGOR AND FALES

WILLIAM J. DEE
W. C. MacGREGOR, JR.
DAREN W. FALES

MACGREGOR BUILDING
416 W. MAIN
POST OFFICE DRAWER 463
GRANGEVILLE, IDAHO 83530
AREA CODE 208
TELEPHONES 983-1740
983-0250
983-0252

September 16, 1988

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

ATTENTION: Robert B. Withney
Sr. Water Rights Agent
Adjudication Section

RE: A77-07013

Dear Mr. Withney:

Enclosed you will find the Notice of Claim to a Water Right Acquired Under State Law which has been signed by Rodney Cox and his signature notarized. We have previously sent you the filing fees for the same.

Thank you.

Very truly yours,

DEE, MacGREGOR & FALES

William J. Dee
WILLIAM J. DEE

WJD:jak
enc.

RECEIVED
SEP 19 1988

Department of Water Resources
Western Regional Office

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

August 11, 1988

R. KEITH HIGGINSON
Director

RE: A77-07013

William J. Dee
P.O. Drawer 463
Grangeville, ID 83530

Subject: Claim not signed by claimant.

Dear Mr. Dee:

This will acknowledge the receipt of the above referenced Notice of Claim on July 27, 1988 in the Western Regional Office.

We are unable to file this claim without the claimant's signature or a document which convey's a power of attorney (with the claimant's signature) to the person signing for said claimant (see attached).

If you have any questions regarding this matter, please feel free to contact this office. Please return this claim within 30 days in order for us to file this claim.

Sincerely,

Robert B. Whitney
Sr. Water Rights Agent
Adjudication Section

RW:sl
Enclosures

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10,3,13. Other water rights.

The claimant shall describe at item (13) of the form any other water rights used at the same place and for the same purpose as the right claimed. If there are no other water rights used at the same place and for the same purpose as the right claimed, the claimant shall state "NA" or "none".

10,3,14. Remarks.

The claimant may submit any additional, relevant information not specifically requested at item (14) of the form. If the space provided is not sufficient, remarks shall be set forth on a separate piece of paper and attached to the form. All separate attachments must be specifically referenced in the remarks section of the form.

10,3,15. Basis of claim.

The basis of the claim shall be indicated at item (15) of the form. If a water right number has been assigned by the department to the right claimed, the water right number shall also be indicated. If a water right number has not been assigned and the water right is based upon a decree, the claimant shall list the title and date of the decree, the case number, and the court that issued the decree.

10,3,16. Signature.

All claims must be signed and sworn or affirmed before a notary public or other person authorized by law to administer an oath or affirmation at item (16) of the form.

Individuals shall sign at the space indicated for individuals. The form must be signed by the person listed as the claimant at item (1) of the form unless written evidence is submitted with the form to show that the signator has authority to sign for the claimant. A form listing more than one claimant at item (1) must be signed by each of the claimants listed at item (1) unless the names are joined by "or", or "and/or" at item (1).

Claims by corporations, municipalities or other organizations shall be signed by an officer of the corporation or an elected official of the municipality or an individual authorized by the organization to sign the form. The signator's title shall be indicated with the signature.

10,4. Short Claim Form - Insufficient Claims, Waivers

10,4,1. Claims filed on the short claim form that do not contain the information required by Rule 10,3., and claims that were improperly filed on the short claim form, shall be rejected and returned along with any fees paid.

10,4,2. The director may waive the minimum information requirements of Rule 10,3. and accept the claim for good cause shown.