

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

RECEIVED
OCT 07 2002
 Department of Water Resources
 Southern 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
72-00032F	AJ5809NP	☒			

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)

Kay Elsethogan, Sally Foss, Sue Smith
 Tamara Cole
 Box 1416
 Salmon, ID 83467

4. New Owner/Claimant(s)

Cherie McFarland

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

New Mailing Address

P.O. Box 73

City, State and ZIP Code

Carmen, ID 83467

New Telephone Number

(208) 756-3970

5. Date you acquired the property

6-18-01

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 <u>72-00032 F</u>		
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	<u>.38 CFS</u>	<u>20 acres</u>
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)
(include title if applicable)

Oprie A. McFarland

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

0222913

Custer County Rec. of.

Time 10:12 A M Date 6/18/01

Ethel Clerk Janet Dargis 6.00
Deputy**WARRANTY DEED**

For value received, Kay M. Elsethagen, Sally Jean Foss, Kathy Sue Smith and Tamara A. Cole, joint owners and grantors, for business purposes residing at 508 Carmen Creek Road, Carmen, Idaho 83462, do hereby grant, bargain and convey unto Harold James McFarland and Cherie Ann McFarland, husband and wife, residing at 44 McFarland Drive, Carmen, Idaho 83462, the grantees, the following described premises, in Custer County, Idaho, towit:

A fraction of Section 21, T. 14N, R. 19 E., B.M., more particularly described as follows:

Commencing at the SW corner of Section 21, and the POB run thence N. 00° 04' 52" West 1321.15 ft.; thence S. 89° 40' 07" East 1300.02 ft.; thence S. 00° 19' 09" East 1259.02 ft.; thence South 00° 02' 55" east 60.08 ft.; thence N. 89° 45' 39" W. 1305.20 ft. to the POINT OF BEGINNING.

Containing 39.48 acres

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 said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrance; no claims for water, mineral or any other claims list against said premises. And that they will warrant and defend the same from lawful claims whatsoever.

Dated: _____

Kay M. Elsethagen
Sally Foss
Kathy Sue Smith
Tammy A Cole

STATE OF IDAHO, COUNTY OF Lemhi

On this June Day of 18, 2001
before me, a notary public in and for said
State, personally appeared Kay Elsethagen,
Sally Foss, Sue Smith and Tammy Cole known
to me to be the persons whose name subscribed
to the within instrument, and acknowledged
To me that they executed the same.

[Signature]
Notary Public

Residing at [Signature], Idaho
Comm. Expires 5-5-2003

STATE OF IDAHO COUNTY OF Custer

I hereby certify that this instrument was
filed for record at the request of Sally Foss
at _____ minutes past _____ o'clock _____ m.,
this _____ day of _____, 2001,
in my office, and duly recorded in Book of
Deeds at page _____.

Ex-Officio Recorder

By _____ Deputy

Fees:

Mail to:

T 4 N

5.9 ②

①

689
T-921

③ 20
acres

22.1

20|21
29|28 572

Point of
Divergence
T-956

20.8 ⑥

81.6 ⑦

18.8 ⑧

12.9 ⑨

21|22
28|27

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s): 72-02149 F 72-00032F

Previous Mailing Address: Jim Smith

5621 Amity

Nampa, Idaho 83687

New Mailing Address: Sally Foss, Sue Smith, Kay Elsethagen, Tammy Cole

Box 1416

Salmon, Idaho

83467

Telephone Number: (208) 756-3065

Signature of Claimant(s):

Please return this completed form to:

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

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

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

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

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: _____

Date: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2002

CHERIE MCFARLAND
PO BOX 73
CARMEN ID 83462

RE: Owner Change 72-32F

Dear Ms. McFarland:

I am in receipt of the Notice of Change of Water Right Ownership form and supporting documents you recently submitted on the above listed water right. Because the motion to set aside the partial decree on this water right has been granted allowing the water right to fall under the jurisdiction of the Snake River Basin Adjudication, no fees are due to change ownership. I am herein returning your check no. 3236 in the amount of \$100.00.

You will be notified by mail when the change in ownership has been completed. Should you have any questions, please feel free to call Jeanie Robertson in this office at the number listed above.

Sincerely,

Trish Fawcett
Technical Records Specialist
tfawcett@idwr.state.id.us

Enc.

01/03/2003

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

RIGHT NUMBER: 72-16628
NAME AND ADDRESS: TAMARA COLE
BOX 1416
SALMON ID 83467

SALLY FOSS
BOX 1416
SALMON ID 83467

KAY M ELSETHAGEN
BOX 1416
SALMON ID 83467

KATHY SUE SMITH
BOX 1416
SALMON ID 83467

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.820 CFS
PRIORITY DATE: 07/22/1910
POINT OF DIVERSION:

T14N R19E S7 SWNNWN Lot 10 Within CUSTER County
T14N R19E S28 NWNWNW Rediversion Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.820 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S21 SESW 37.0

37 ACRES TOTAL

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 72-32F.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 72-16628 V1

WATER RIGHT NUMBER: 72-16628 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TAMARA COLE BOX 1416 SALMON, ID 83467
Current Owner	SALLY FOSS BOX 1416 SALMON, ID 83467
Current Owner	KAY M ELSETHAGEN BOX 1416 SALMON, ID 83467
Current Owner	KATHY SUE SMITH BOX 1416 SALMON, ID 83467

Priority Date: 07/22/1910

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
CHALLIS CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.820 CFS	
	<u>Total Diversion:</u>	0.820 CFS	

Location of Point(s) of Diversion

CHALLIS CREEK	NW1/4NW1/4NW1/4	Sec. 28, Twp 14N, Rge 19E, B.M.
CUSTER County	(Rediversion)	
CHALLIS CREEK	L10 (SW1/4NW1/4NW1/4)	Sec. 7, Twp 14N, Rge 19E, B.M.
CUSTER 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	
14N	19E	21												37.0					37.0

Total Acres: 37

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 72-16628 V1

Remarks:

1. General THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-C.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 72-32F.

Comments:

1. jroberts 1/3/2003 Basis of Recommendation
Comment: 72-32F was decreed and later the claimants had the partial decree set aside so additional acres in the SWSW could be added back on to the recommendation. Then those acres and 0.38 cfs were sold to Cherie McFarland. (The 0.82 cfs on 37 acres is allowable per the Hubble Analysis on the soils in the area.)

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number: 72C
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

Robertson, Jean

From: Robertson, Jean
Sent: Friday, January 03, 2003 12:28 PM
To: Spencer, Nick
Cc: Music, Vicky
Subject: 72-32F... now 72-16628 & 72-16629)

Just thought I'd let you know that I created a new Version 2 Recommendation for 72-32F, which added in those extra acres in the SWSW of Section 21, T 14N, R19E like the claimants wanted in their motion to have the partial decree set aside. I then made it a Parent and created:

72-16628 (Foss, Elsethagan, Smith, & Eichner {now Cole} for 0.82 cfs and 37 acres) and
 72-16629 (Mc Farland for 0.38 cfs and 19 acres)

I guess these all need to have something done with them by you guys? Please let me know if I have to do anything else! (Guess a copy of whatever also needs to go to Dana Hofstetter?)

Thanks, Jeanie

(late '99)
 (Wood-decision) 606-5

72-32F

12/5/89 - original claim filed
 5/26/93 - O/C filed by Jim Smith (4 sisters)
 6/13/95 - field exam done
 7/19/95 - rec. made
 10/7/98 - GIS, layout (37 ac)
 11/3/98 - hubble analysis
 11/25/98 - prelim. rec. mailed
 1/12/99 - prelim. rec. returned
 4/29/99 - Dir. Rep. mailed
 8/5/99 Dir. Rep. returned
 11/17/00 - Partial Decree filed
 3/2/01 - call from Jim Smith (sent everything)
 4/7/01 - P.D. returned to court
 7/12/01 - note prop. sold to McFarland
 5/25, 27, 29, 30/02 - complaints
 7/16 - letter to court (mot. to set aside)

1/3/2003