

12/14/2006

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

RIGHT NUMBER: 75-2067

NAME AND ADDRESS: THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411

THE NATURE CONSERVANCY
WESTERN RESOURCE OFFICE
2424 SPRUCE ST STE 100
BOULDER CO 80302-4617

SOURCE: LITTLE HAT CREEK

TRIBUTARY: BIG HAT CREEK

QUANTITY: 1.200 CFS
180.000 AFY

PRIORITY DATE: 04/05/1920

POINT OF DIVERSION:

T17N R20E S26 SESW Within LEMHI County
T17N R20E S26 SWSE Within LEMHI County
T17N R20E S34 NWNE Within LEMHI County
T17N R20E S34 NWNE Within LEMHI County
T17N R20E S35 NENW Within LEMHI County
T17N R20E S35 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.200 CFS 180.00 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S26	SENE	9.10	T17N R20E S26	SESW	4.80
T17N R20E S26	NESE	7.50	T17N R20E S26	NWSE	0.60
T17N R20E S26	SWSE	6.50	T17N R20E S34	NENE	12.00
T17N R20E S34	NWNE	8.90	T17N R20E S35	NENW	10.00
T17N R20E S35	NWNW	13.00			

72.4 ACRES TOTAL

This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/14/2006

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

RIGHT NUMBER: 75-2067
NAME AND ADDRESS: THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411

THE NATURE CONSERVANCY
WESTERN RESOURCE OFFICE
2424 SPRUCE ST STE 100
BOULDER CO 80302-4617

SOURCE: LITTLE HAT CREEK TRIBUTARY: BIG HAT CREEK
QUANTITY: 1.200 CFS
180.000 AFY
PRIORITY DATE: 04/05/1920
POINT OF DIVERSION:

T17N R20E S26 SESW Within LEMHI County
T17N R20E S26 SWSE Within LEMHI County
T17N R20E S34 NWNE Within LEMHI County
T17N R20E S34 NWNE Within LEMHI County
T17N R20E S35 NENW Within LEMHI County
T17N R20E S35 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.200 CFS 180.00 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S26	SENE	8.10	T17N R20E S26	SESW	1.50
T17N R20E S26	NESE	7.40	T17N R20E S26	NWSE	0.30
T17N R20E S26	SWSE	5.90	T17N R20E S34	NENE	10.00
T17N R20E S34	NWNE	6.10	T17N R20E S35	NENW	7.30
T17N R20E S35	NWNW	13.00			

59.6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

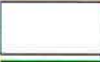


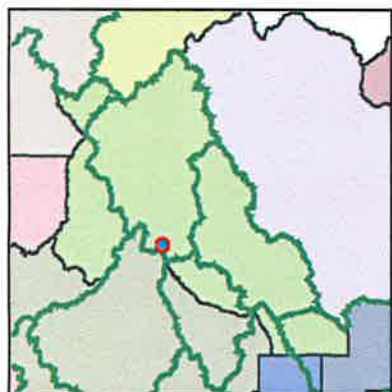
Idaho Department of Water Resources

SRBA Claim:

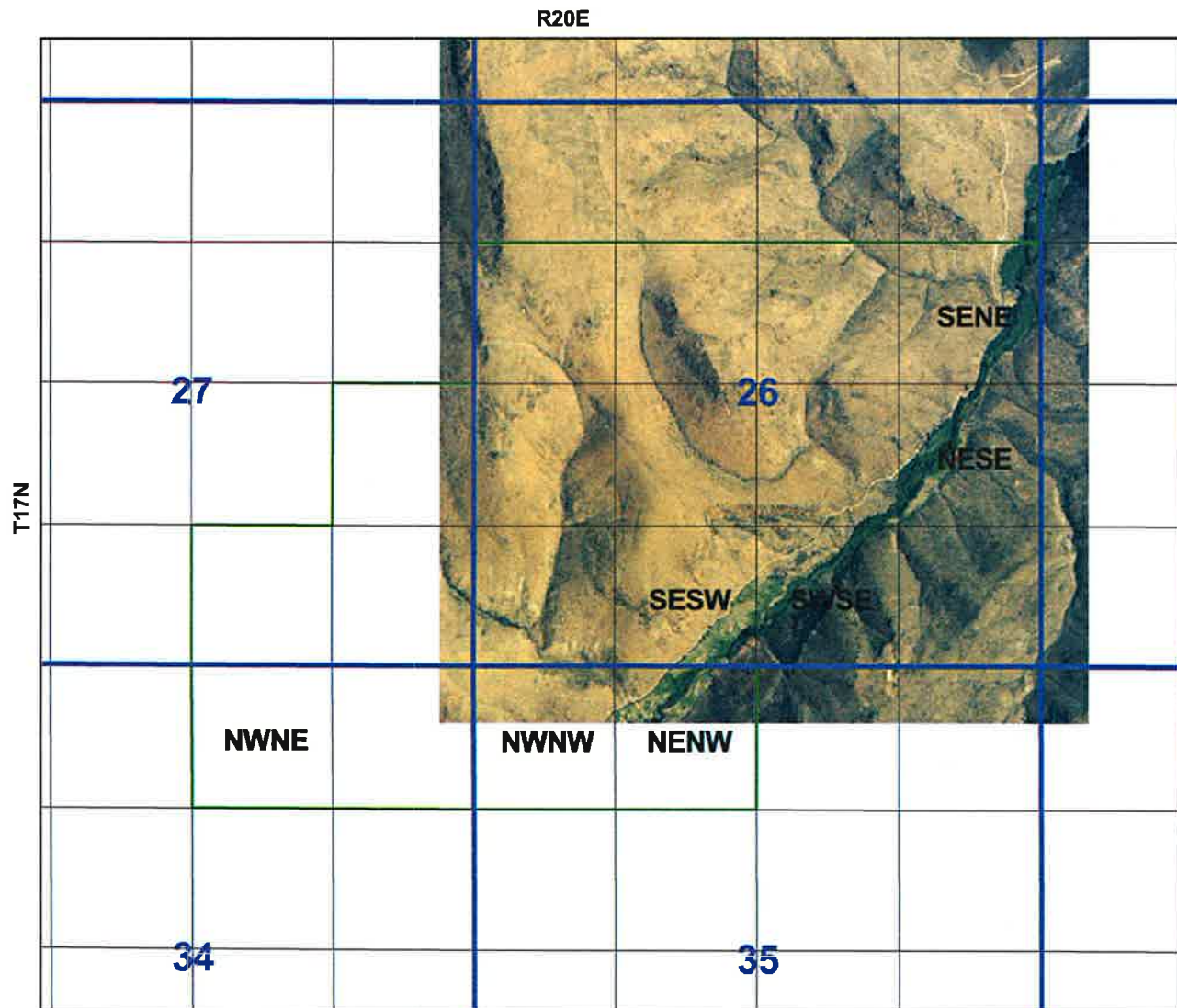
75-2067

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels

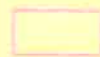


Lemhi County
IDWR Basin 75



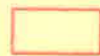
Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

Little Hat Creek Water Rights (DRAFT)

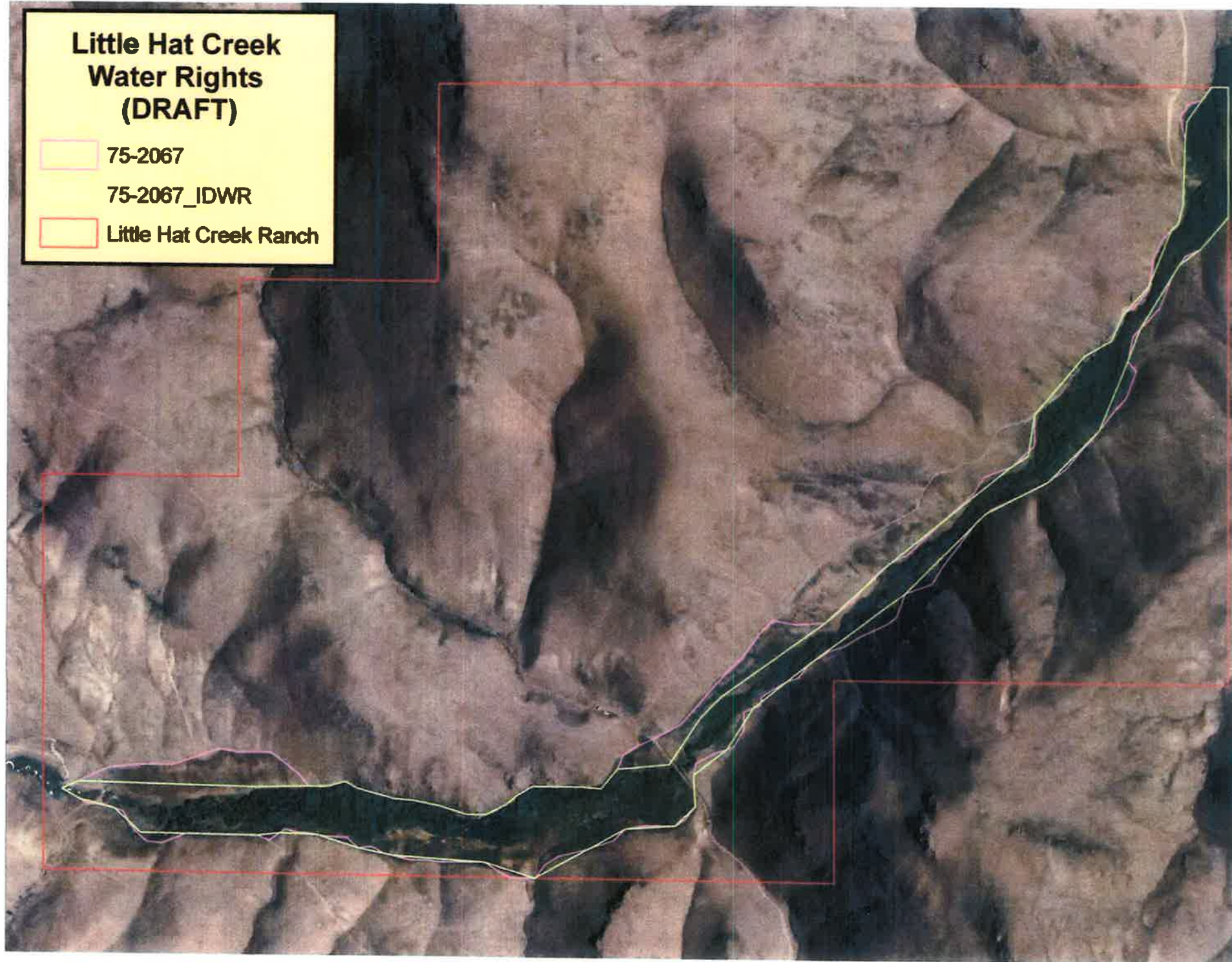


75-2067

75-2067_IDWR



Little Hat Creek Ranch



75-2067



0.1 0 0.1 0.2 0.3 Miles

LEGEND

-  Lemhi taxlots
-  Township/Range
-  Sections
-  QQ
-  1988 True Color

Prepared By: Danielle Favreau, 9/2/05, IDWR/IWWRI

23

24

27

26

25

34

35

36

11/20/2006

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 13 2006
DEPARTMENT OF
WATER RESOURCES

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-2067

THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411
Telephone Number: (208) 788-8988

THE NATURE CONSERVANCY
WESTERN RESOURCE OFFICE
2424 SPRUCE ST STE 100
BOULDER CO 80302-4617
Telephone Number: (303) 541-0335

RECEIVED
DEC 18 2006

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

The place of use map and description does not accurately reflect the lands irrigated with this water right.

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

As noted on the attached map, addition of a total of approximately 9 acres of irrigated lands to the place of use description.

Section 34, NWNE – addition of approximately 2 acres of irrigated land
Section 34, NENE – addition of approximately 2 acres of irrigated land
Section 35, NENW – addition of approximately 1 acre of irrigated land
Section 26, SESW – addition of approximately 2 acres of irrigated land
Section 26, SWSE – addition of approximately 1 acre of irrigated land
Section 26, NESE – addition of approximately 1 acre of irrigated land

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

The attached map reflects current actual irrigated lands and is based on analysis of the 2004 NAIP imagery combined with on-the-ground reconnaissance and mapping.

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

DATE: 12/12/06 SIGNATURE: [Signature]

Please print your name: Marilynn A. Mangus

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D'Alene, ID 83815, 2087622800

SCANNED
14 2006

Little Hat Creek Water Rights (DRAFT)



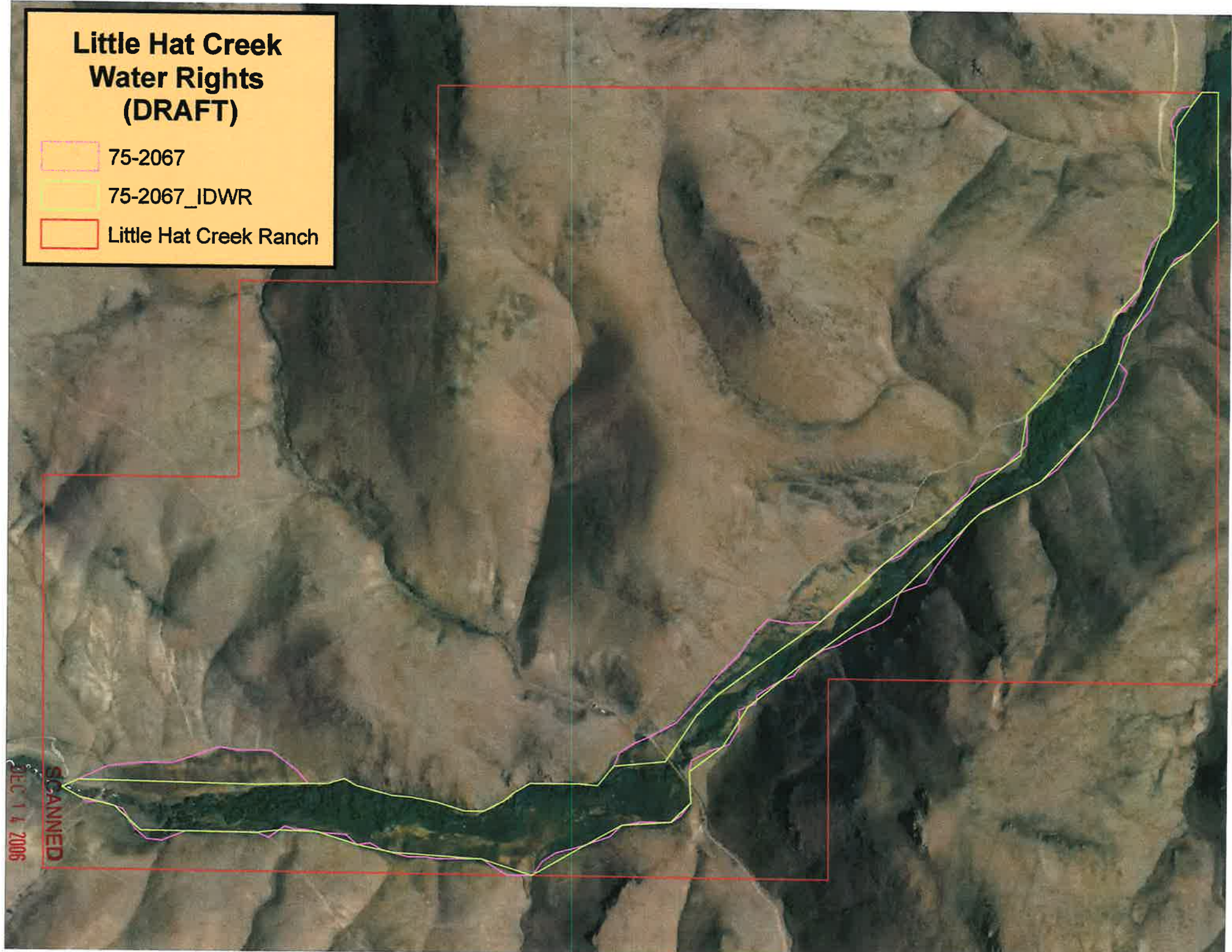
75-2067



75-2067_IDWR



Little Hat Creek Ranch



SCANNED
DEC 14 2006

11/20/2006

**NOTICE OF ERROR
REPLY**

RECEIVED

DEC 13 2006

DEPARTMENT OF
WATER RESOURCES

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-2067

THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411
Telephone Number: (208) 788-8988

SCANNED

DEC 14 2006

THE NATURE CONSERVANCY
WESTERN RESOURCE OFFICE
2424 SPRUCE ST STE 100
BOULDER CO 80302-4617
Telephone Number: (303) 541-0335

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

The place of use map and description does not accurately reflect the lands irrigated with this water right.

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

As noted on the attached map, addition of a total of approximately 9 acres of irrigated lands to the place of use description.

Section 34, NWNE – addition of approximately 2 acres of irrigated land
Section 34, NENE – addition of approximately 2 acres of irrigated land
Section 35, NENW – addition of approximately 1 acre of irrigated land
Section 26, SESW – addition of approximately 2 acres of irrigated land
Section 26, SWSE – addition of approximately 1 acre of irrigated land
Section 26, NESE – addition of approximately 1 acre of irrigated land

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

The attached map reflects current actual irrigated lands and is based on analysis of the 2004 NAIP imagery combined with on-the-ground reconnaissance and mapping.

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

DATE: 12/12/06

SIGNATURE: [Signature]

Please print your name: Marilynn A. Mangus

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D'Alene, ID 83815, 2087622800



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

February 26, 2008

CARYL L ELZINGA
GLENN A ELZINGA
19 MOEN LN
MAY ID 83253

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: Notice of Change of Water Right Ownership (NCO) for 75-2067 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

CC: NATURE CONSERVANCY

SCANNED

MAR 04 2008

CERTIFICATE OF MAILING

I certify that on March 4, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
The Nature Conservancy
116 1st Ave N
Hailey ID 83333

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Caryl L Elzinga
Glenn A Elzinga
19 Moen Ln
May ID 83253

4. One copy to:

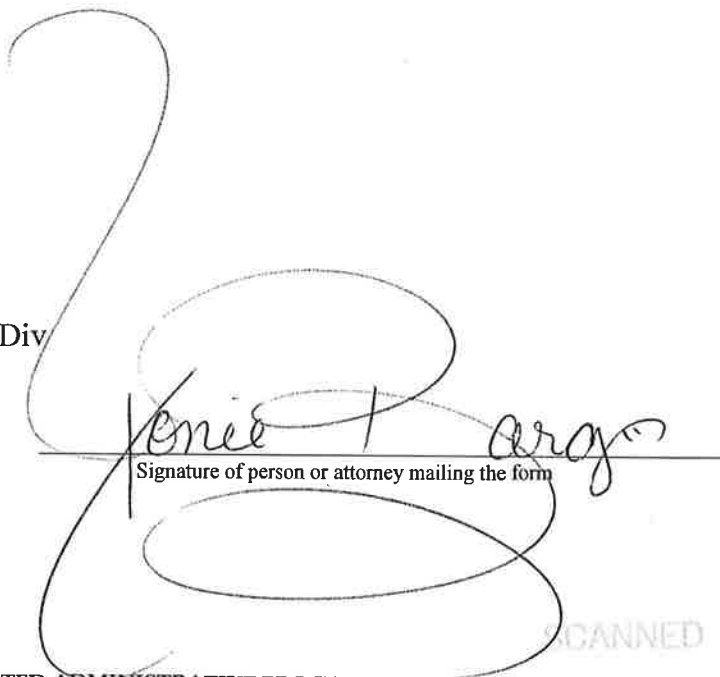
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

02/26/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-2067
NAME AND ADDRESS: CARYL L ELZINGA
19 MOEN LN
MAY ID 83253-2000

GLENN A ELZINGA
19 MOEN LN
MAY ID 83253-2000

SOURCE: LITTLE HAT CREEK TRIBUTARY: BIG HAT CREEK

QUANTITY: 1.200 CFS
180.00 AFY

PRIORITY DATE: 04/05/1920

POINT OF
DIVERSION: T17N R20E S26 SESW Within LEMHI County
T17N R20E S26 SWSE Within LEMHI County
T17N R20E S34 NWNE Within LEMHI County
T17N R20E S34 NWNE Within LEMHI County
T17N R20E S35 NENW Within LEMHI County
T17N R20E S35 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.200 CFS 180.00 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S26	SENE	9.10	T17N R20E S26	SESW	4.80
T17N R20E S26	NESE	7.50	T17N R20E S26	NWSE	0.60
T17N R20E S26	SWSE	6.50	T17N R20E S34	NENE	12.00
T17N R20E S34	NWNE	8.90	T17N R20E S35	NENW	10.00
T17N R20E S35	NWNW	13.00			

72.4 ACRES TOTAL

This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED

MAR 04 2008

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

RECEIVED
 DEC 31 2007

Department of Water Resources
 Eastern 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
75 2067	Adj	Need NCAP			
	OK				

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

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

3. Name and Address of Former Owner/Claimant(s)

The Nature Conservancy
 Western Resource Office
 2424 Spruce ST STE 100
 Boulder CO 80302-4617

4. New Owner/Claimant(s)

Caryl L Elzinga Glenn A. Elzinga
 Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

19 Moen Ln

City, State and ZIP Code

May ID 83253

New Telephone Number

(208) 876 4083 Email: alderspring@custatel.net

SCANNED

MAR 04 2008

5. Date you acquired the property

9.28.07

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

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

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

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



(title if applicable)

(title if applicable)

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

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**Glenn and Caryl Elzinga
19 Moen Lane
May, ID 83253**

(Space above line for Recorder's use)

273697
State of Idaho) SS No. _____
County of Lemhi)
This instrument was filed for record at the request
of Terri J. Morton
at 4:20 o'clock pm 9-28 2007
and duly filed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder
By Eynice Carden Deputy
Fee 166.00
Return to S-T

**SPECIAL WARRANTY DEED
WITH RESERVATION OF CONSERVATION EASEMENT
(Upper Salmon Pahsimeroi - Little Hat Creek- Elzinga ID**

FOR VALUE RECEIVED, THE NATURE CONSERVANCY, a District of Columbia non profit corporation ("Grantor") does hereby grant and warrant only against parties claiming by, through or under Grantor to Glenn and Caryl Elzinga, husband and wife, whose address is 19 Moen Lane, May, ID 83253 ("Grantee"), the real property located in Lemhi County, Idaho, and more particularly described on the attached Exhibit A, which is incorporated herein by this reference ("the Property").

TO HAVE AND TO HOLD the Property with all hereditaments and appurtenances thereto (except water rights which are conveyed under separate deed) unto the Grantee and Grantee's successors and assigns forever,

SUBJECT TO taxes and assessments for the year 2007 and thereafter, and all reservations, restrictions, encumbrances, easements, and other matters of record or that would be disclosed by a survey or physical inspection of the Property; and subject to the Reservation of Conservation Easement attached hereto as Exhibit B, which is incorporated herein by this reference.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 26 day of September, 2007.

GRANTOR:

THE NATURE CONSERVANCY,
a District of Columbia non profit corporation

By Laura H. Hahnel
Title Idaho State Director

273697

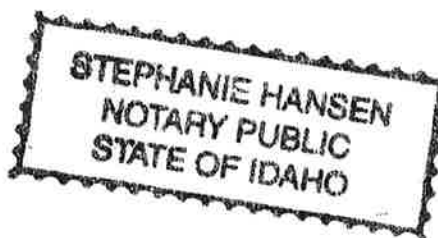
STATE OF IDAHO)
)SS.
COUNTY OF Blaine)

The foregoing instrument was acknowledged before me this 26 day of September, 2007 by Laura Hubbard, the Idaho State Director of The Nature Conservancy, a District of Columbia non profit corporation.

Stephanie Hansen
Notary Public

Residing at 6612 North Ct. Hilly ID 83313

My commission expires: 1/12/2012



SCANNED

MAR 04 2008

Exhibit A**To Special Warranty Deed with Reservation of Conservation Easement
(Upper Salmon Pahsimeroi - Little Hat - Elzinga - ID)****The Property**

PARCEL IV**TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO****SECTION 26: SOUTH HALF, SOUTH HALF NORTH HALF****SECTION 27: SOUTHWEST QUARTER SOUTHEAST QUARTER, EAST HALF****SOUTHEAST QUARTER****SECTION 34: NORTH HALF NORTHEAST QUARTER****SECTION 35: NORTH HALF NORTHWEST QUARTER**

SCANNED

MAR 04 2003

This instrument was filed for record at the request of Kembi Little
at 4:28 o'clock P in 9-28 2007
and duly timed and indexed in the records of Lemhi
County Term J. Morton
Ex-Officio Recorder

By Cynthia Cardin Deputy
For 6:00
Return to D.T.

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**Glenn and Caryl Elzinga
19 Moen Lane
May, ID 83253**

(Space above line for Recorder's use)

**QUITCLAIM DEED
(Water Rights)
(Upper Salmon Pahsimeroi - Little Hat Creek-- Elzinga ID**

For valuable consideration, The Nature Conservancy, a District of Columbia non profit corporation, does remise, release and quitclaim to Glenn and Caryl Elzinga, husband and wife, of 19 Moen Lane, May, ID 83253 their heirs and assigns, all those certain water rights appurtenant to the real property more particularly described on Exhibit A, attached hereto and incorporated herein by reference.

Dated: September 26, 2007.

THE NATURE CONSERVANCY,
a District of Columbia non profit corporation

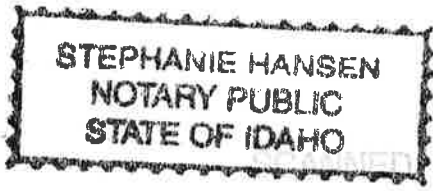
By Laura Hubbard
Title Idaho State Director

STATE OF IDAHO)
)ss.
COUNTY OF Blaine)

The foregoing instrument was acknowledged before me this 26 day of September, 2007, by Laura Hubbard, the Idaho State Director of The Nature Conservancy, a District of Columbia non profit corporation.

Stephanie Hansen
Notary Public
Address: 661 W. Myrtle Court Hardy ID 83333

My commission expires: 1/12/2012



MAR 04 2008

273698

EXHIBIT A

To Quitclaim Deed

(Water Rights)

(Upper Salmon Pahsimeroi - Little Hat Creek- Elzinga ID

The Property

PARCEL IV

TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN

SECTION 26: SOUTH HALF, SOUTH HALF NORTH HALF

**SECTION 27: SOUTHWEST QUARTER SOUTHEAST QUARTER, EAST HALF
SOUTHEAST QUARTER**

SECTION 34: NORTH HALF NORTHEAST QUARTER

SECTION 35: NORTH HALF NORTHWEST QUARTER

SCANNED

MAR 04 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 6, 2005

THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411

THE NATURE CONSERVANCY
WESTERN RESOURCE OFFICE
2424 SPRUCE ST STE 100
BOULDER CO 80302-4617

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #73-92A, 73-98, 73-99, 73-100, 73-2157,
73-12030, 73-12032 and 75-2067

Dear Claimant:

We have processed your change in ownership of the Notices of Claim referenced above. Thank you for your patience.

Enclosed are copies of your Notices of Claim for your file. Please refer to these record numbers in any future inquiries or correspondence.

The Notices of Claim referenced above are still pending before the SRBA District Court; therefore, no fees were due. The refund process has been initiated with the State Auditor's Office for the \$25.00 fee you paid on receipt #C078152. You should receive a check soon.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,


Donald Shaff, Manager
Adjudication Technical Section

SS:region

Enclosures:

Copies of Notices of Claim Referenced Above

SCANNED
JUN - 7 2005

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: D. Shaff/D. Allen
 FROM: S. Sherman Date: 6-6-05
 SUBJ: Receipt No. C078152 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR The Nature Conservancy
 Address 116 1st Ave N.
Hailey ID 83333

Claimant(s) if NOT Payor —
 Refund Amount \$ 25.- Claim Location (Region/Claimant) IWC
 Extension Filed? Y/N NA Copy Attached? Y/N NA
 Late Fees Paid? Y/N NA Late Fee Receipt # C078152
 S.O. Verified Ext. by — on — D.B. Query by —
 Refund Generated By () Agent () Claimant (r) S. Sherman
 Refund Category:
 insufficient fees / claim incomplete / withdrawn / o-pmt

Date of Last Correspondence (copy attached) —

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>73-75-2067</u>	<u>irr.</u>	<u>\$ 25.-</u>	<u>0</u>	<u>C078152</u>
		\$		
		\$		
		\$		
		\$		
		\$		
Total		<u>\$ 25.-</u>	<u>\$ 0</u>	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y (N)
No fee due on o/change not decreed yet.

Region AJ Spvsr. Approval — S.O. AJ Spvsr. Approval —
 Don Shaff Approval 6-7-05 Hold — To Fiscal 6-7-05
 Logged 6-6-05
 Data Base Modified? Y/N NA A &/or R Records By — on —

RECEIVED

JUN 03 2005

DEPARTMENT OF
WATER RESOURCES

Form 42-248 (2-1-97) July, 2003

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

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
	A73-00092A			A73-4007A <i>RG</i>	
	A73-00098			A73-12030	
	A73-00099			A73-12032	
	A73-00100			A75-02067	
	A73-02157				

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) Duane E. Moen
17984A U.S. Highway #85, Lusk, WY 82225
4. New Owner/Claimant(s) The Nature Conservancy
 Name Connector (Check one): ☐ and, ☐ co. ☐ and/or
 New Mailing Address 116 1st Avenue North, Hailey, Idaho 83333 &
 City, State and ZIP Code 2424 Spruce St., Boulder, CO 80302
 New Telephone Number 208) 788.8988/303.541.0335
5. Date you acquired the property December 2, 2004

D.K. to process R Brown
6/6/05

SCANNED

JUN - 7 2005

SCANNED

JUN - 6 2005

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)
(include title if applicable)

Louis C. Lunte Jr.
Acting Director Idaho Chapter of TNC

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>MM</u>	Date	<u>6-3-05</u>
Receipted by	<u>MM</u>	Date	<u>6-3-05</u>
Processed by	<u>PP</u>	Date	<u>6-6-05</u>
		Fee	<u>\$ 25.00</u>
		Receipt No.	<u>CD78152</u>
		WR	_____
		Date	_____

SCANNED
JUN - 7 2005

SCANNED
JUN - 6 2005

CERTIFICATION OF CORPORATE ACTION

The undersigned hereby certifies that The Nature Conservancy:

1. Is duly organized, validly existing and in good standing under the laws of the District of Columbia;
2. Is qualified to transact business in the State of Idaho;
3. Has taken the requisite corporate action to authorize Lou Lunte, Acting Director of the Idaho Chapter, to execute and deliver all required documents to effect transfer of the Moen property, including water rights, from Duane Moen to The Nature Conservancy.

Executed this 2nd day of June, 2005


Elizabeth Kitchens, Assistant Secretary

SCANNED

JUN - 6 2005

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

The Nature Conservancy
Legal Department
217 Pine St., #1100
Seattle, WA 98101

230416
Custer County Req. of
First American Title
Time 9:14 A M Date 6/2 2004
Ethel M. Peck, Clerk
Wm. Baker \$18.00
Deputy

(Space above line for Recorder's use)

WARRANTY DEED
Upper Salmon (Moen) ID

FOR VALUE RECEIVED, E. Duane Moen, also known as Duane E. Moen, an unmarried man ("Grantor"), does hereby grant, bargain, sell, convey, and warrant as set forth below to THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation ("Grantee"), whose address is 4245 N. Fairfax Dr., Arlington VA 22203, that certain real property located in Lemhi and Custer Counties, Idaho, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"),

TO HAVE AND TO HOLD the Property with all appurtenances to the Grantee and Grantee's successors and assigns forever;

SUBJECT ONLY TO real property taxes for the year 2004 and thereafter, and those title exceptions listed on Exhibit B attached hereto and incorporated herein by reference; and as to the mineral estate, subject to all mineral reservations of record.

WITH WARRANTIES AS FOLLOWS:

As to water rights, Grantor warrants title only as against the acts of Grantor and those claiming by, through or under Grantor and none other; subject to the matters set forth on Exhibit B.

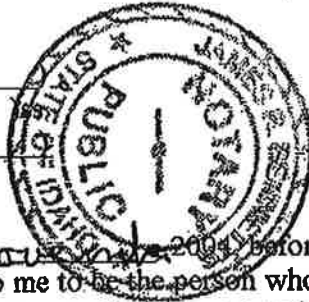
As to all right, title and interest in the Property other than water rights, Grantor warrants and covenants to and with Grantee that the Grantor is lawfully seized in fee simple of the Property and has a good and lawful right and power to sell and convey the same, that the same are free and clear of all encumbrances, except as stated above, and that the Grantor will forever warrant and defend the title thereto and quiet possession and enjoyment thereof against the lawful claims and demands of all persons whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument on this 17th
day of November, 2004.

GRANTOR:

E. Duane Moen
E. DUANE MOEN

STATE OF Idaho
COUNTY OF Custer



On this 17th day of November, 2004, before me personally appeared E. Duane Moen, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

James R. Bennett
Notary Public

Address: Box 96 Challis, Ida

My commission expires: 1-17-05

**EXHIBIT A
TO WARRANTY DEED
Upper Salmon (Moen)**

THE PROPERTY

REAL PROPERTY:

All of the property situated in the State of Idaho, Counties of Custer and Lemhi,
described as follows:

CUSTER COUNTY

TOWNSHIP 15 NORTH, RANGE 21 E.B.M., CUSTER COUNTY, IDAHO

SECTION 21: S $\frac{1}{2}$ NE $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

SECTION 22: SW $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER

SECTION 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER

SECTION 28: NE $\frac{1}{4}$ NE $\frac{1}{4}$

LEMHI COUNTY

PARCEL NO. 1

TOWNSHIP 17 NORTH, RANGE 20 E.B.M., LEMHI COUNTY, IDAHO

**SECTION 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$**

SECTION 27: NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

SECTION 34: N $\frac{1}{2}$ NE $\frac{1}{4}$

SECTION 35: N $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL NO. 2

TOWNSHIP 15 NORTH, RANGE 21 E.B.M., LEMHI COUNTY, IDAHO

**SECTION 16: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ EXCEPTING THEREFROM THAT PART OF THE
SW $\frac{1}{4}$ SE $\frac{1}{4}$ MORE FULLY DESCRIBED AS FOLLOWS: THAT PARCEL OF LAND 32.0 FEET
IN WIDTH, BEING 16.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED
CENTERLINE LOCATED IN SW $\frac{1}{4}$ SE $\frac{1}{4}$, AS MORE FULLY DESCRIBED AS: BEGINNING AT
A POINT ON THE SOUTHERLY BOUNDARY OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, TOWNSHIP 15
NORTH, RANGE 21 E.B.M. SAID POINT BEING EASTERLY 16.0 FEET FROM THE
SOUTHWEST CORNER OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, THENCE N 0°02' W, AND PARALLEL
TO THE WEST BOUNDARY OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, A DISTANCE OF 822.9 FEET;**

THENCE N 45°42' E 276.0 FEET; THENCE S 42°05' E 1367.6 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE SW¼SE¼ SECTION 16, AND WESTERLY 190.3 FEET FROM THE SOUTHEAST CORNER OF SW¼SE¼ SECTION 16, SUBJECT TO STATE OF IDAHO EASEMENT NO. 1013 TO LEMHI COUNTY FOR MATERIALS SITE, AND NO 1021 TO LEMHI COUNTY FOR A HIGHWAY.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND 32 FEET IN WIDTH, BEING 16 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE ACROSS A PORTION OF THE NW¼NE¼, SECTION 21, AND THE SW¼SE¼, SECTION 16, TOWNSHIP 15 NORTH, RANGE 21 E.B.M.; BEGINNING AT A POINT ON THE WEST BOUNDARY OF THE NW¼NE¼ SECTION 21, 110 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID NW¼NE¼ SECTION 21; RUNNING THENCE N 51°03' E 20.6 FEET; THENCE N 0°02' W 920.1 FEET; THENCE N 45°42' E 276 FEET; THENCE S 42°05' E 1608 FEET, MORE OR LESS TO A POINT ON THE WESTERLY SIDE OF THE EXISTING LEMHI COUNTY, ROAD.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN THE NE¼NE¼ OF SECTION 16, TOWNSHIP 15 NORTH, RANGE 21 E.B.M., LEMHI COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID SECTION 16 FROM WHICH THE E¼ CORNER OF SECTION 16 BEARS S 00°03'02" E, 2647.46 FEET THE BASIS BEARING OF THIS DESCRIPTION RUN THENCE S 00°03'02" E, ALONG THE EASTERLY BOUNDARY OF SAID SECTION 16 A DISTANCE OF 628.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE PAHSIMEROI ROAD; THENCE N 61°09'08" W, ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1011.79 FEET; THENCE 367.54 FEET ALONG A CURVE TO THE LEFT HEAVING A DELTA ANGLE OF 14°12'21", A RADIUS OF 1482.40 FEET AND A LONG CHORD BEARING N 68°15'18" W, 366.60 FEET TO POINT ON THE NORTHERLY BOUNDARY OF SAID SECTION 16; THENCE N 89°47'00" E, ALONG THE NORTHERLY BOUNDARY OF SAID SECTION 16 A DISTANCE OF 1226.20 FEET TO THE POINT OF BEGINNING.

SECTION 21: THAT PORTION OF THE NE¼ LYING AND BEING IN LEMHI COUNTY, IDAHO.

SECTION 22: THAT PORTION OF THE W¼NW¼, SW¼, LYING AND BEING IN LEMHI COUNTY, IDAHO

SECTION 27: NE¼NW¼ LYING AND BEING IN LEMHI COUNTY, IDAHO

WATER RIGHTS:

All water rights appurtenant to the above described real property including, but not limited to, the following rights:

73-92A (split between the Property and lands Seller is retaining)

73-98 (split between the Property and lands Seller is retaining)

73-99A

73-99B

73-100

73-2157

73-12030

73-12032

75-2067

**EXHIBIT B
TO WARRANTY DEED
Upper Salmon (Moen)**

EXCEPTIONS TO TITLE

Access by third parties to ditches, canals, waterways, diversions, headgates, weirs, fish screens, and other diversion-related improvements for maintenance, inspection, and other purposes.

Access by the public over and across public roads through the Property, including but not limited to the Little Hat Creek Road and Dowton Lane.

CUSTER COUNTY

8. Reservations in United States Patent, recorded as Instrument No. 134573.
9. Irrigation Contract upon the terms, conditions and provisions contained therein:
Parties: Salmon River Electric Cooperative, Inc. and Duane Moen Recorded: May 21, 1990,
Instrument No. 195243
10. Irrigation Contract upon the terms, conditions and provisions contained therein:
Parties: Salmon River Electric Cooperative, Inc. and Duane Moen Recorded: June 16, 1993,
Instrument No. 204184
11. Easement granted to Salmon River Electric Cooperative, Inc., recorded May 10, 2000
as Instrument No. 220964.
12. Memorandum of Agreement upon the terms, conditions and provisions contained therein:
Parties: Jimmie L. and Maria E. Dowton and Salmon River Electric Cooperative, Inc. Recorded:
May 10, 2000, Instrument No. 220965

LEMHI COUNTY

15. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho for the use and benefit of the Department of Fish and Game recorded April 27, 1966 as Instrument No. 104316. (Parcel No. 1)
16. Easement for Stockwater pipeline granted to The United States of America, Department of the Interior, Bureau of Land Management, recorded July 3, 1984 , Instrument No. 172256. (Parcel No. 1)
17. Memorandum of Understanding Agreement the terms, conditions and provisions contained therein: Parties: Duane Moen and Sydney M. Dowton, Jr. Recorded: December 9, 1992, Instrument No. 217184.
18. Any claim arising from the difference in the mean high water line of the Pahsimeroi River and the meander line as shown by the Original Government Survey. (Parcel No. 2)

19. Right, title and interest of the State of Idaho within the natural bed of the Pahsimeroi River below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line. (Parcel No. 2)

20. Covenants, conditions, restrictions and easements contained in deed to Lemhi County recorded May 7, 1951 , Book 43 at page 132. (Parcel No. 2)

21. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: J. F. Robson, Grantor and State of Idaho for the use and benefit of the Department of Fish and Game, Grantee, Recorded: October 21, 1960 , Book E of Agreements at pages 394 & 395. (Parcel No. 2)

22. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: J.F. Robson, a single man, V.A. Coiner and Laura Coiner, husband and wife, Ernest Powers and Helen E. Powers, husband and wife and The State of Idaho for use and benefit of the Department of Fish and Game, Recorded: October 21, 1960 , Book E of Agreements at pages 401 & 402. (Parcel No. 2)

23. Easement for the purposes of a Material Site granted to The State of Idaho, recorded July 9, 1947 Book D of Agreements at pages 14 (Parcel No. 2)

24. Covenants, conditions, restrictions and easements contained in an Easement to Lemhi County recorded May 8, 1951 , Book D of Agreements at page No. 244. (Parcel No. 2).

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

The Nature Conservancy
Legal Department
217 Pine St., #1100
Seattle, WA 98101

State of Idaho
County of Lemhi)**261060**

SS No. _____

This instrument was filed for record at the request

of Lemhi Titleat 9:20 o'clock AM 2 Dec 2004and duly filed and indexed in the records of Lemhi
CountyTerri J. Morton
Ex-Officio RecorderBy CBaumert DeputyFee 18.00

Return to _____

(Space above line for Recorder's use)

WARRANTY DEED
Upper Salmon (Moen) ID

FOR VALUE RECEIVED, E. Duane Moen, also known as Duane E. Moen, an unmarried man ("Grantor"), does hereby grant, bargain, sell, convey, and warrant as set forth below to THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation ("Grantee"), whose address is 4245 N. Fairfax Dr., Arlington VA 22203, that certain real property located in Lemhi and Custer Counties, Idaho, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"),

TO HAVE AND TO HOLD the Property with all appurtenances to the Grantee and Grantee's successors and assigns forever;

SUBJECT ONLY TO real property taxes for the year 2004 and thereafter, and those title exceptions listed on Exhibit B attached hereto and incorporated herein by reference; and as to the mineral estate, subject to all mineral reservations of record.

WITH WARRANTIES AS FOLLOWS:

As to water rights, Grantor warrants title only as against the acts of Grantor and those claiming by, through or under Grantor and none other, subject to the matters set forth on Exhibit B.

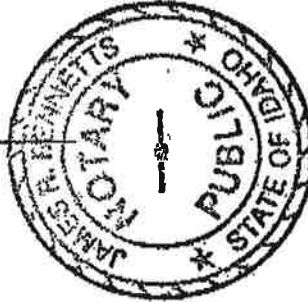
As to all right, title and interest in the Property other than water rights, Grantor warrants and covenants to and with Grantee that the Grantor is lawfully seized in fee simple of the Property and has a good and lawful right and power to sell and convey the same, that the same are free and clear of all encumbrances, except as stated above, and that the Grantor will forever warrant and defend the title thereto and quiet possession and enjoyment thereof against the lawful claims and demands of all persons whatsoever.

261060

IN WITNESS WHEREOF, Grantor has executed this instrument on this 12th
day of November, 2004.

GRANTOR:

E Duane Moen
E. DUANE MOEN



STATE OF Idaho)
)ss.
COUNTY OF Custer)

On this 12th day of November, 2004, before me personally appeared E. Duane Moen, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

James W Bennetts
Notary Public
Address: Challis, Id.
My commission expires: 1/13/05

261060

**EXHIBIT A
TO WARRANTY DEED
Upper Salmon (Moen)**

THE PROPERTY

REAL PROPERTY:

All of the property situated in the State of Idaho, Counties of Custer and Lemhi,
described as follows:

CUSTER COUNTY

TOWNSHIP 15 NORTH, RANGE 21 E.B.M., CUSTER COUNTY, IDAHO

SECTION 21: S $\frac{1}{2}$ NE $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

SECTION 22: SW $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER

SECTION 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ LYING SOUTH OF THE PAHSIMEROI RIVER

SECTION 28: NE $\frac{1}{4}$ NE $\frac{1}{4}$

LEMHI COUNTY

PARCEL NO. 1

TOWNSHIP 17 NORTH, RANGE 20 E.B.M., LEMHI COUNTY, IDAHO

**SECTION 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$**

SECTION 27: NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

SECTION 34: N $\frac{1}{2}$ NE $\frac{1}{4}$

SECTION 35: N $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL NO. 2

TOWNSHIP 15 NORTH, RANGE 21 E.B.M., LEMHI COUNTY, IDAHO

**SECTION 16: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ EXCEPTING THEREFROM THAT PART OF THE
SW $\frac{1}{4}$ SE $\frac{1}{4}$ MORE FULLY DESCRIBED AS FOLLOWS: THAT PARCEL OF LAND 32.0 FEET
IN WIDTH, BEING 16.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED
CENTERLINE LOCATED IN SW $\frac{1}{4}$ SE $\frac{1}{4}$, AS MORE FULLY DESCRIBED AS: BEGINNING AT
A POINT ON THE SOUTHERLY BOUNDARY OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, TOWNSHIP 15
NORTH, RANGE 21 E.B.M. SAID POINT BEING EASTERLY 16.0 FEET FROM THE
SOUTHWEST CORNER OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, THENCE N 0°02' W, AND PARALLEL
TO THE WEST BOUNDARY OF SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, A DISTANCE OF 822.9 FEET;**

261060

THENCE N 45°42' E 276.0 FEET; THENCE S 42°05' E 1367.6 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE SW¼SE¼ SECTION 16, AND WESTERLY 190.3 FEET FROM THE SOUTHEAST CORNER OF SW¼SE¼ SECTION 16, SUBJECT TO STATE OF IDAHO EASEMENT NO. 1013 TO LEMHI COUNTY FOR MATERIALS SITE, AND NO 1021 TO LEMHI COUNTY FOR A HIGHWAY.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND 32 FEET IN WIDTH, BEING 16 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE ACROSS A PORTION OF THE NW¼NE¼, SECTION 21, AND THE SW¼SE¼, SECTION 16, TOWNSHIP 15 NORTH, RANGE 21 E.B.M.; BEGINNING AT A POINT ON THE WEST BOUNDARY OF THE NW¼NE¼ SECTION 21, 110 FEET SOUTH OF THE NORTHWEST CORNER OF THE SAID NW¼NE¼ SECTION 21; RUNNING THENCE N 51°03' E 20.6 FEET; THENCE N 0°02' W 920.1 FEET; THENCE N 45°42' E 276 FEET; THENCE S 42°05' E 1608 FEET, MORE OR LESS TO A POINT ON THE WESTERLY SIDE OF THE EXISTING LEMHI COUNTY, ROAD.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN THE NE¼NE¼ OF SECTION 16, TOWNSHIP 15 NORTH, RANGE 21 E.B.M., LEMHI COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID SECTION 16 FROM WHICH THE E¼ CORNER OF SECTION 16 BEARS S 00°03'02" E, 2647.46 FEET THE BASIS BEARING OF THIS DESCRIPTION RUN THENCE S 00°03'02" E, ALONG THE EASTERLY BOUNDARY OF SAID SECTION 16 A DISTANCE OF 628.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE PAHSIMEROI ROAD; THENCE N 61°09'08" W, ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1011.79 FEET; THENCE 367.54 FEET ALONG A CURVE TO THE LEFT HEAVING A DELTA ANGLE OF 14°12'21", A RADIUS OF 1482.40 FEET AND A LONG CHORD BEARING N 68°15'18" W, 366.60 FEET TO POINT ON THE NORTHERLY BOUNDARY OF SAID SECTION 16; THENCE N 89°47'00" E, ALONG THE NORTHERLY BOUNDARY OF SAID SECTION 16 A DISTANCE OF 1226.20 FEET TO THE POINT OF BEGINNING.

SECTION 21: THAT PORTION OF THE NE¼ LYING AND BEING IN LEMHI COUNTY, IDAHO.

SECTION 22: THAT PORTION OF THE W¼NW¼, SW¼, LYING AND BEING IN LEMHI COUNTY, IDAHO

SECTION 27: NE¼NW¼ LYING AND BEING IN LEMHI COUNTY, IDAHO

WATER RIGHTS:

All water rights appurtenant to the above described real property including, but not limited to, the following rights:

73-92A (split between the Property and lands Seller is retaining)

73-98 (split between the Property and lands Seller is retaining)

73-99A

73-99B

73-100

73-2157

73-12030

73-12032

75-2067

261060

**EXHIBIT B
TO WARRANTY DEED
Upper Salmon (Moen)**

EXCEPTIONS TO TITLE

Access by third parties to ditches, canals, waterways, diversions, headgates, weirs, fish screens, and other diversion-related improvements for maintenance, inspection, and other purposes.

Access by the public over and across public roads through the Property, including but not limited to the Little Hat Creek Road and Dowton Lane.

CUSTER COUNTY

8. Reservations in United States Patent, recorded as Instrument No. 134573.
9. Irrigation Contract upon the terms, conditions and provisions contained therein:
Parties: Salmon River Electric Cooperative, Inc. and Duane Moen Recorded: May 21, 1990,
Instrument No. 195243
10. Irrigation Contract upon the terms, conditions and provisions contained therein:
Parties: Salmon River Electric Cooperative, Inc. and Duane Moen Recorded: June 16, 1993,
Instrument No. 204184
11. Easement granted to Salmon River Electric Cooperative, Inc., recorded May 10, 2000
as Instrument No. 220964.
12. Memorandum of Agreement upon the terms, conditions and provisions contained therein:
Parties: Jimmie L. and Maria E. Dowton and Salmon River Electric Cooperative, Inc. Recorded:
May 10, 2000, Instrument No. 220965

LEMHI COUNTY

15. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho
for the use and benefit of the Department of Fish and Game recorded April 27, 1966 as
Instrument No. 104316. (Parcel No. 1)
16. Easement for Stockwater pipeline granted to The United States of America,
Department of the Interior, Bureau of Land Management, recorded July 3, 1984 , Instrument
No. 172256. (Parcel No. 1)
17. Memorandum of Understanding Agreement the terms, conditions and provisions
contained therein: Parties: Duane Moen and Sydney M. Dowton, Jr. Recorded: December 9,
1992, Instrument No. 217184.
18. Any claim arising from the difference in the mean high water line of the Pahsimeroi River
and the meander line as shown by the Original Government Survey. (Parcel No. 2)

261060

19. Right, title and interest of the State of Idaho within the natural bed of the Pahsimeroi River below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line. (Parcel No. 2)

20. Covenants, conditions, restrictions and easements contained in deed to Lemhi County recorded May 7, 1951 , Book 43 at page 132. (Parcel No. 2)

21. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: J. F. Robson, Grantor and State of Idaho for the use and benefit of the Department of Fish and Game, Grantee, Recorded: October 21, 1960 , Book E of Agreements at pages 394 & 395. (Parcel No. 2)

22. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: J.F. Robson, a single man, V.A. Coiner and Laura Coiner, husband and wife, Ernest Powers and Helen E. Powers, husband and wife and The State of Idaho for use and benefit of the Department of Fish and Game, Recorded: October 21, 1960 , Book E of Agreements at pages 401 & 402. (Parcel No. 2)

23. Easement for the purposes of a Material Site granted to The State of Idaho, recorded July 9, 1947 Book D of Agreements at pages 14 (Parcel No. 2)

24. Covenants, conditions, restrictions and easements contained in an Easement to Lemhi County recorded May 8, 1951 , Book D of Agreements at page No. 244. (Parcel No. 2).



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 29, 2002

DUANE MOEN
19 MOEN LN
MAY ID 83253

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 75-2067

Dear Mr. & Mrs. Moen:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

OK JC 3/28/02
RECEIVED
FEB 15 2002
Department of Water Resources
Eastern Region

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

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
	75-2067	☒			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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)

Karen A + Sydney Dowton
Po Box 7 Ellis ID 83235

4. New Owner/Claimant(s)

Diane Moen

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

New Mailing Address

19 Moen Lane

City, State and ZIP Code

May ID 83253

New Telephone Number

(208) 876-4262

5. Date you acquired the property

12-4-92

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	<u>1.23 cfs</u>	<u>18 ac</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>1.23 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
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) Bret Meyer
(include title if applicable) _____

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

For Office Use Only

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

WARRANTY DEED

For Value Received SYDNEY M. DOWTON, JR. and KAREN A. DOWTON, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto DUANE E. MOEN, the grantee, whose current address is HC 62 Box 2330, May, Idaho 83253, the following described premises in LEMHI County, Idaho, to-wit:

The Southeast Quarter of the Northeast Quarter (S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$), the North half of the Southeast Quarter (N. $\frac{1}{2}$ S.E. $\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter (S.E. $\frac{1}{4}$ S.W. $\frac{1}{4}$), the South half of the Southeast Quarter (S. $\frac{1}{2}$ S.E. $\frac{1}{4}$), the South half of the Northwest Quarter (S. $\frac{1}{2}$ N.W. $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (S.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$), the North half of the Southwest Quarter (N. $\frac{1}{2}$ S.W. $\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter (S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$), All in Section Twenty-six (26); the Northeast Quarter of the Southeast Quarter (N.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$), and the South half of the Southeast Quarter (S. $\frac{1}{2}$ S.E. $\frac{1}{4}$), all in Section Twenty-seven (27); the North half of the Northeast Quarter (N. $\frac{1}{2}$ N.E. $\frac{1}{4}$) of Section Thirty-four (34); and the North half of the Northwest Quarter (N. $\frac{1}{2}$ N.W. $\frac{1}{4}$) of Section Thirty-five (35); all in Township Seventeen (17) North, Range Twenty (20) East of the Boise Meridian.

TOGETHER WITH all water rights.

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

Dated: This 21 day of December, 1992.

Sydney M. Dowton, Jr.
SYDNEY M. DOWTON, JR.
Karen A. Dowton
KAREN A. DOWTON

STATE OF IDAHO)

: ss

County of Cassia)

On this 7 day of
October 1942, before
me, a Notary Public, per-
sonally appeared Sylvia
M. Downton, et al.

Known or identified to me
to be the person(s) whose
name(s) are subscribed to
the within instrument, and
acknowledged to me that
they executed the same.

Notary Public

Residing at Challis

Commission Expires 3/12/43

STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instru-
ment was filed for record at the
request of

at minutes past

 o'clock

 day of
 office,

and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

BY

Deputy

Fee: \$

Mail to:

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 75-2067
Date Received: 5/4/1990
Receipt No: E014187
Received By:

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

1. Name of Claimant(s)

DUANE E MOEN Phone: (208)876-4262
19 MOEN LN
MAY ID USA 83253

2. Date of Priority: 04/05/1920

3. Source: LITTLE HAT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	20E	35	NW NW	LEMHI	
17N	20E	26	SE SW	LEMHI	
17N	20E	26	SW SE	LEMHI	
17N	20E	34	NW NE	LEMHI	
17N	20E	35	NE NW	LEMHI	

5. Description of diverting works:

PORTABLE DAMS, OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	180

7. Total Quantity Appropriated is:
1.23 C.F.S. and/or 180.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
17N	20E	26	SE	NE		IRRIGATION	9
			NE	SE		IRRIGATION	9
						Section Acres	18
						Total Acres	18

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

SCANNED
OCT 05 2011

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-02067
Date Received: 5/04/1990
Receipt No: 2014187
Received By: EMC.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SYDNEY M. DOWTON 208-876-4225
Address: P.O. BOX 7
ELLIS, ID 83235

OR
Name: KAREN A. DOWTON 208-876-4225
Address: P.O. BOX 7
ELLIS, ID 83235

2. Date of Priority: APR 05, 1920

3. Source: LITTLE HAT CREEK Trib. to: BIG HAT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	20E	26	SE	SW			LEMHI
			SW	SE			LEMHI
		34	NW	NE			LEMHI
		35	NE	NW			LEMHI
			NW	NW			LEMHI

5. Description of diverting works:
PORTABLE DAMS, OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		180.00

7. Total Quantity Appropriated is:
1.230 C.F.S. (and/or) 180.60 A.F.A.

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A75-02067

Page 1

Date: 05/04/90

MICROFILMED
DEC 15 1992

A7502067



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	20E	26	SE	NE		IRR	9.0
			SE	SW		DOMEST	3.0
			NE	SE		IRR	9.0
			SW	SE		DOMEST	4.0
						Section Acres	25.0
		34	NE	NE		DOMEST	12.0
			NW	SE		DOMEST	4.0
						Section Acres	16.0
		35	NE	NW		DOMEST	7.0
			NW	NW		DOMEST	12.0
						Section Acres	19.0
						Total Acres	60.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 14643

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): Sydney M. Darton Date: 5-4-90
_____ Date: _____

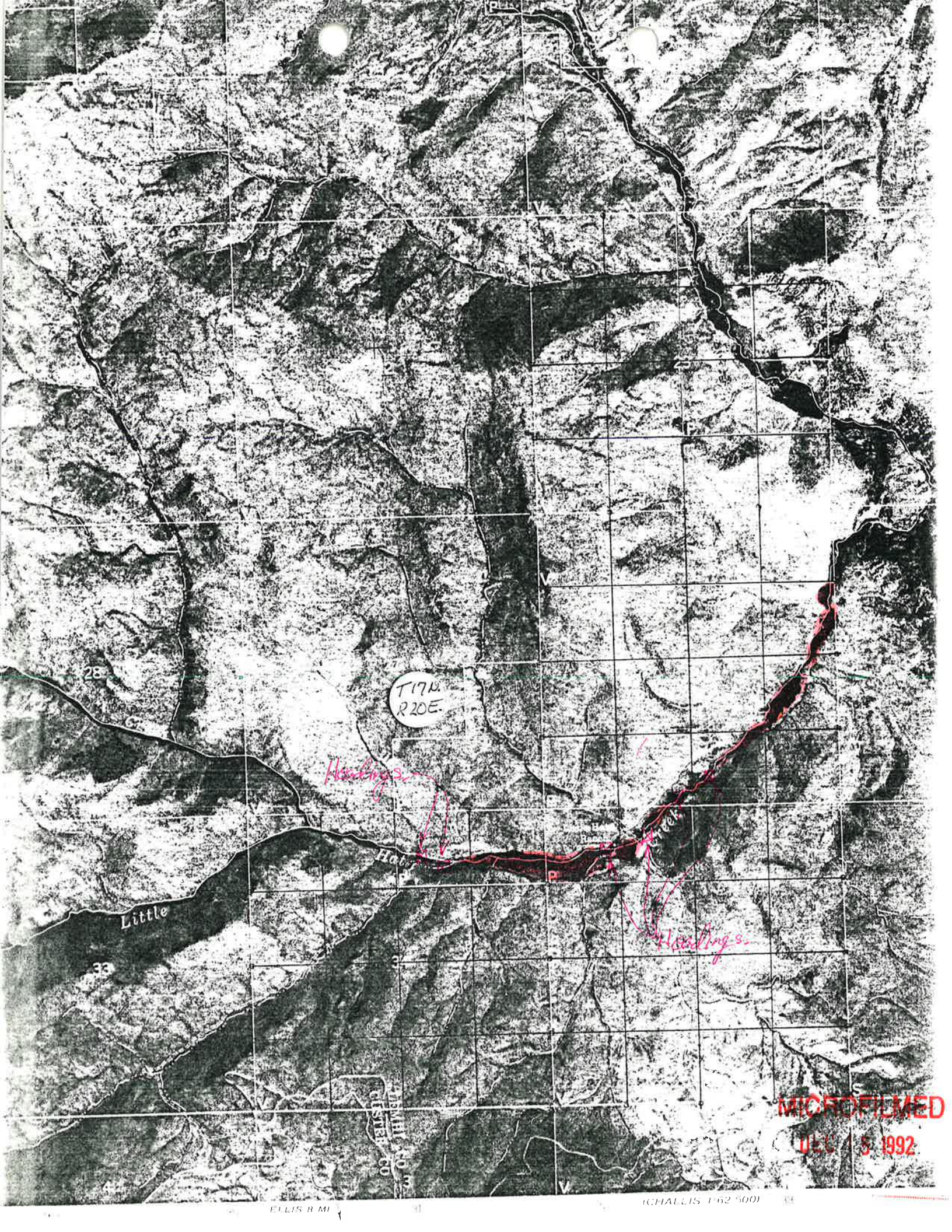
State of Idaho)
County of Bonnaville) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of May 19 90. Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID
My Commission Expires 6-14-1994

MICROFILMED
DEC 15 1992



T17N
R20E

Hendings

Little

Hendings

MICROFILMED

JUL 5 1992

(CHALLIS 1:62,500)