

11/13/2006

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

RIGHT NUMBER: 75-14359

NAME AND ADDRESS: ALLIED TRUST
DANIEL C. MILLS & JANICE MILLS TRUSTEES
31852 PACIFIC COAST HIGHWAY
LAGUNA BEACH CA 92621

SOURCE: WASTE WATER

TRIBUTARY: SPRINGS

QUANTITY: 0.390 CFS

PRIORITY DATE: 03/31/1928

POINT OF DIVERSION:

T21N R22E S18 SESW Lot 4 Within LEMHI County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.010 CFS
IRRIGATION	04/01 10/31	0.380 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S19 Lot 2 SENW 17.60

STOCKWATER same as IRRIGATION

17.6 ACRES TOTAL

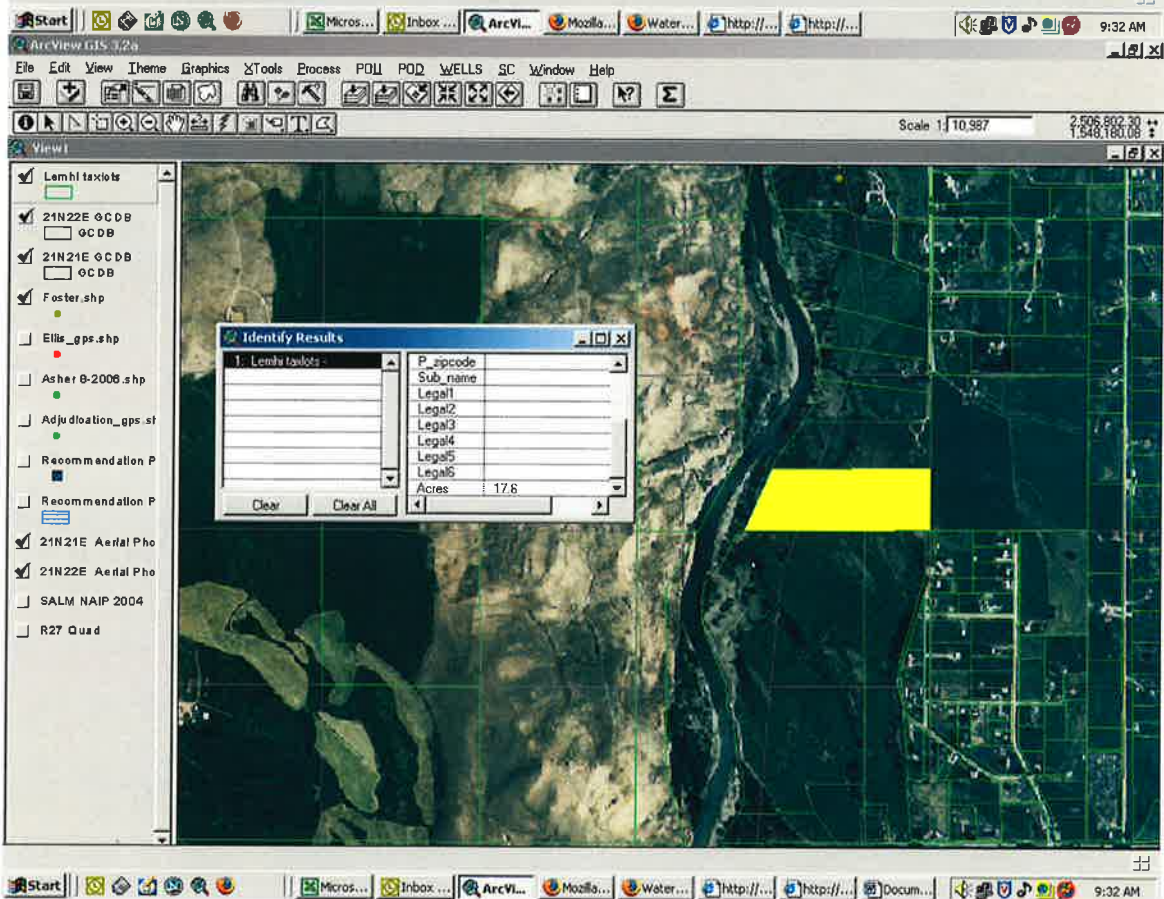
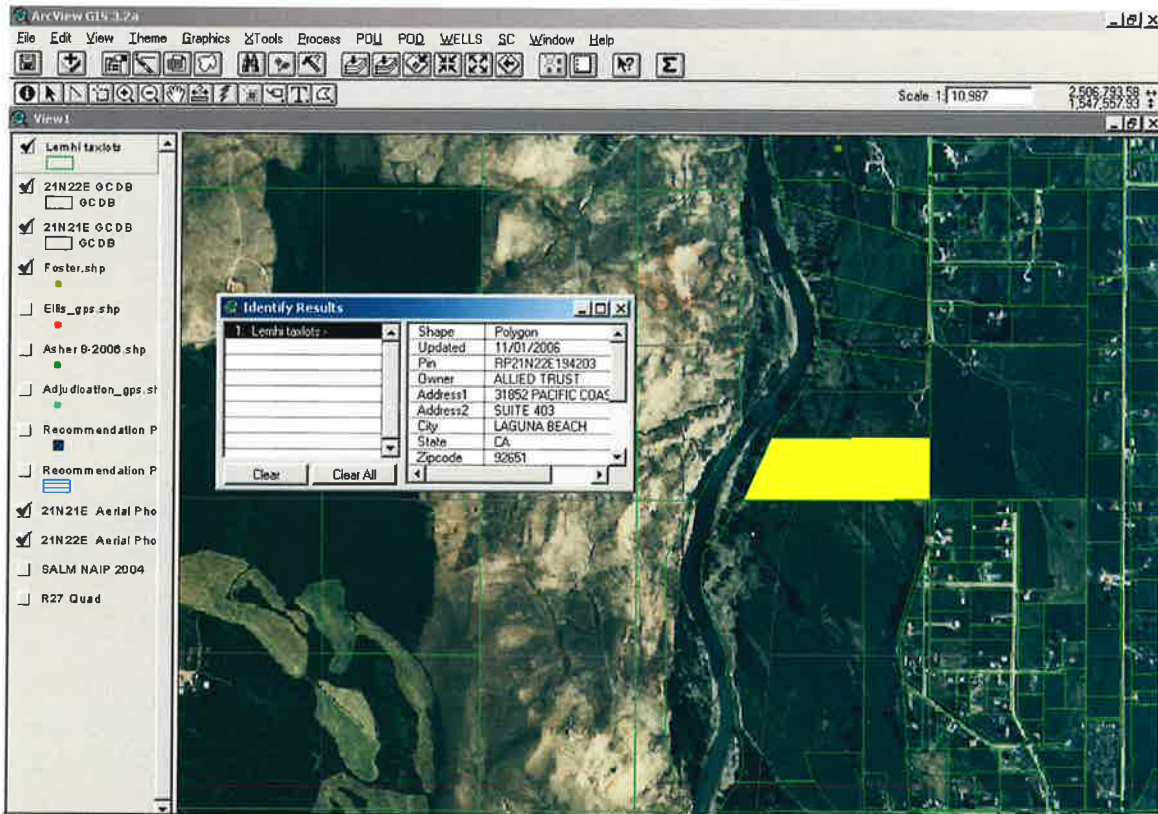
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

WILL BUILD TWO HOMES AND DRILL DOMESTIC WELL.

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 - Beneficial Use

This right is a split from former right 75-10610 .



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s): 75-10610

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: See ownership form
☐ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0012213

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

headgate ditch to place of use

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

no water being diverted at time of exam

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-29-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

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

RECEIVED

JUN 22 2005

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 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
75-10610	75-10610	✓			

split

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)

Allen Terry
 HC 82 Box 4122 Cobalt, ID 83229
 Allied Trust, Dave & Jan Mills Trustees

4. New Owner/Claimant(s)

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

New Mailing Address

31835 P.C.H.

City, State and ZIP Code

Laguna Beach, CA 92651

New Telephone Number

(949) 212-1213

5. Date you acquired the property

May 25, 2005

75-14359

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JUN 30 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 <u>75 - 10610</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>.3 CFS</u>	<u>18 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)

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 _____

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JUN 30 2005

WARRANTY DEED

For Value Received

ALLEN TERRY AND MARIA TERRY CASO

the grantor s, do hereby grant, bargain, sell and convey unto

DANIEL C. MILLS AND JAN MILLS, husband and wife, of 31852 Pacific Coast Highway,
Suite 403, Laguna Beach, California 92651
the grantee s, the following described premises, in Lemhi County Idaho, to wit:

" SEE ATTACHED EXHIBIT A "

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to
and with the said Grantees ; that they are the owner s in fee simple of said premises; that they
are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 27, 2004

ALLEN TERRY

MARIA TERRY CASO, by Allen Terry, Atty-in-Fact

STATE OF IDAHO, COUNTY OF LEMHI

On this 27th day of August, 2004,
before me, a notary public in and for said State, personally appeared ALLEN TERRY AND MARIA TERRY CASO
BY ALLEN TERRY, ATTORNEY IN FACT

known to me to be the person s whose names are
described to the within instrument, and acknowledged
they executed the same.

Notary Public

Residing at Salmon, Idaho
Comm. Expires 10-6-05

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for re-
cord at the request of Lemhi Title

at 21 minutes past 4 o'clock P.m.,
this 27TH day of August
2004, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By Anna Eagle Deputy.

Fees \$ 6.00
Mail to: hand delivered

INSTRUMENT NO. 259896

PARCEL "B"

A PARCEL OF LAND LOCATED IN THE S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 19, T. 21 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N $\frac{1}{4}$ CORNER OF SAID SECTION 19, FROM WHICH THE N $\frac{1}{4}$ CORNER OF SECTION 18, T. 21 N., RANGE 22 E., BEARS N.00°00'49"W., 5285.36 FEET, THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S.00°14'19"E., A DISTANCE OF 1718.58 FEET; THENCE S.00°14'57"E., A DISTANCE OF 400.12 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE S.00°14'57"E., A DISTANCE OF 537.00 FEET TO A POINT IN AN EXISTING FENCE LINE; THENCE S.89°42'35"W., ALONG SAID FENCE LINE A DISTANCE OF 1583.82 FEET TO A POINT ON THE EASTERLY BANK OF THE SALMON RIVER; THENCE ALONG SAID BANK THE FOLLOWING COURSES: N.23°55'08"E., 467.35 FEET; N.19°59'57"E., 118.08 FEET; THENCE LEAVING SAID BANK N.89°42'35"E., A DISTANCE OF 1351.61 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING EASEMENT FOR INGRESS AND EGRESS:

A 20.00 FOOT WIDE EASEMENT FOR INGRESS/EGRESS AND UTILITIES LOCATED SOUTH OF THE FOLLOWING DESCRIBED LINE:

LOCATED IN THE S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 19, T. 21 N., RANGE 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N $\frac{1}{4}$ CORNER OF SAID SECTION 19, FROM WHICH THE N $\frac{1}{4}$ CORNER OF SECTION 18, T. 21 N., R. 22 E., BEARS N.00°00'49"W., 5285.36 FEET, THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S.00°14'19"E., A DISTANCE OF 1718.58 FEET TO THE POINT OF BEGINNING; THENCE S.00°14'57"E., A DISTANCE OF 400.12 FEET TO THE POINT OF TERMINUS, THE SIDELINES OF THIS EASEMENT BEING PROLONGED OR SHORTENED TO CONFORM WITH THE GRANTOR'S AND GRANTEE'S PROPERTY LINES.

QUITCLAIM DEED

For Value Received DANIEL C. MILLS AND JAN MILLS, HUSBAND AND WIFE

do hereby convey, release, remise and forever quit claim unto "ALLIED TRUST, DANIEL C. MILLS
AND JANICE MILLS, TRUSTEES"

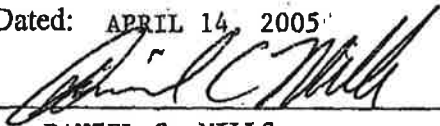
whose current address is 31852 PACIFIC COAST HIGHWAY
SUITE 403
LAGUNA BEACH, CALIFORNIA 92651

the following described premises to-wit:

SEE ATTACHED EXHIBIT "A"

together with their appurtenances.

Dated: APRIL 14, 2005


DANIEL C. MILLS

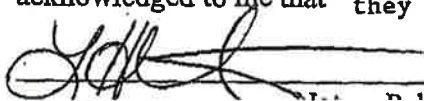

JAN MILLS

STATE OF CALIFORNIA, COUNTY OF: Orange

On this 25th Day of ~~APRIL~~ MAY, 2005, before me, a Notary Public in and
for said State, personally appeared

DANIEL C. MILLS AND JAN MILLS

known to me to be the persons whose names^{are} subscribed to the within instrument, and
acknowledged to me that they executed the same.



 L. HUNTER

SCANNED

JUN 30 2005

EXHIBIT "A"

PARCEL "B"

A PARCEL OF LAND LOCATED IN THE S½NW¼, SECTION 19, T. 21 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N½ CORNER OF SAID SECTION 19, FROM WHICH THE N½ CORNER OF SECTION 18, T. 21 N., RANGE 22 E., BEARS N.00°00'49"W., 5285.36 FEET, THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S.00°14'19"E., A DISTANCE OF 1718.58 FEET; THENCE S.00°14'57"E., A DISTANCE OF 400.12 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE S.00°14'57"E., A DISTANCE OF 537.00 FEET TO A POINT IN AN EXISTING FENCE LINE; THENCE S.89°42'35"W., ALONG SAID FENCE LINE A DISTANCE OF 1583.82 FEET TO A POINT ON THE EASTERLY BANK OF THE SALMON RIVER; THENCE ALONG SAID BANK THE FOLLOWING COURSES: N.23°55'08"E., 467.35 FEET; N.19°59'57"E., 118.08 FEET; THENCE LEAVING SAID BANK N.89°42'35"E., A DISTANCE OF 1351.61 FEET TO THE POINT OF BEGINNING.

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0036

3001

4210

4201

4202

4203

4806

4803

1200

0010

4025

0030

0080

0010

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JUN 30 2005

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 75-14359
Date Received: 5/8/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ALLIED TRUST Phone:

DANIEL C. MILLS & JANICE MILLS TRUSTEES
31852 PACIFIC COAST HIGHWAY
LAGUNA BEACH CA USA 92621

2. Date of Priority: 03/31/1928

3. Source: WASTE WATER Trib. to: SPRINGS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	22E	19	SE NW SW	LEMHI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.38	
STOCKWATER	04/01	10/31	0.01	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	22E	19	SE	NW	2	IRRIGATION
						Section Acres
						Total Acres

29 17.6
29
29 17.6

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:

WILL BUILD TWO HOMES AND DRILL DOMESTIC WELL.

This right is a split from former right 75-10610 .

15. Basis of Claim: Beneficial Use