

12/12/2006

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

RIGHT NUMBER: 75-14420

NAME AND ADDRESS: CBS LAND LLC
PO BOX 50558
IDAHO FALLS ID 83405

SOURCE: WASTE WATER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 06/09/1875

POINT OF DIVERSION:

T21N R22E S8 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.040 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T21N R22E S08 SWSW 1.30

1.3 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

75-14420

T21N R22E Section 8



Place of Use



Point of Diversion



75-4301

- 14918 5.6 ac
- 14419 6.0 ac
- 14420 6.0 ac. → Rec. 1.3

Two George J. ownerships fr. 74-3184 was received in 2005 and Warranty Deed shows property was also covered by this right.

CBS c/o received 12/2006 for remainder.
Building set up the rest of the 6 acs.

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 75-14420
Date Received: 4/18/1990
Receipt No:
Received By:

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

1. Name of Claimant(s)

CBS LAND LLC
PO BOX 50558
IDAHO FALLS ID USA 83405

Phone: (208)529-0290

2. Date of Priority: 06/09/1875

3. Source: POND , WASTE WATER Trib. to: SALMON RIVER , SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	22E	8	SW SW SW	LEMHI	
21N	22E	8	SW SW SW	LEMHI	

5. Description of diverting works:

DITCHES, FLUME & CULVERT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.12	

7. Total Quantity Appropriated is:
0.12 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	8	SW SW	IRRIGATION	6

Section Acres 6

Total Acres 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:

CHANGED ADDRESS PER REQUEST/CV/09-26-00

This right is a split from former right 75-4301 .

15. Basis of Claim: Statutory Claim

RECEIVED
DEC 11 2006
IDWR/North

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, 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
<u>75-4301</u>					

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

A. ~~The appropriate PLAT OF PROPERTY or SURVEY MAP for the water right.~~

- 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) are 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) MARLENE Z. DEMICK, LOUISE DEMICK, CAROLINE DEMICK
130 CARLENE DR 6 BENCH RD 8 DEMICK LN
SPRINGS NEW 89436 SALMON ID 83467 SALMON ID 83467
4. New Owner/Claimant(s) CBS LAND LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 50558
- City, State and ZIP Code IDAHO FALLS, ID, 83405
- New Telephone Number (208) 629 0290
5. Date you acquired the property 1991 MAY 20 1992 + MAY 23 2001
- Signature of New Owner(s) or Claimant(s) Cheryl A. Nam
(include title if applicable) member

QUITCLAIM DEED

THIS INDENTURE, made this 23 day of May, 2001, between CBS PARTNERSHIP, an Idaho partnership, hereinafter referred to as "GRANTOR," and CBS LAND, L.L.C., an Idaho limited liability company, whose mailing address is P.O. Box 50558, Idaho Falls, ID, 83405, hereinafter referred to as "GRANTEE."

WITNESSETH, that GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, by these presents does remise, release, and forever QUITCLAIM, unto GRANTEE, and to its heirs and assigns, forever, all the following described real estate, situated in County of Lemhi, State of Idaho, to-wit:

A parcel of land located in the SW 1/4, Section 8, Township 21 North, Range 22 East, B.M., Lemhi County, Idaho more particularly described as follows:

Commencing at the Southwest Corner of said Section 8 a distance of 75.00 feet on a bearing of N 90° 00'00" E to the easterly right-of-way of U.S. Highway No. 93; thence N 0°02'43" W 1,234.96 feet along said right-of-way to the point of beginning; thence N 0°02'43" W 96.00 feet; thence S 89° 52'06" E 579.73 feet; thence S 0°04'12" E 96.00 feet; thence N 89° 52'06" W 579.77 feet to the point of beginning, consisting of 1.28 acres, more or less.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and rents, issues, and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto GRANTEE and its heirs and assigns forever.

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

Clayne A. Hanson
CBS PARTNERSHIP, Grantor
By: Clayne A. Hanson, Partner

STATE OF IDAHO)
 :SS
County of Bonneville)

On this 23 day of May, 2001, before me, a Notary Public for the State of Idaho, personally appeared Clayne A. Hanson known or identified to me to be a partner of CBS PARTNERSHIP, the entity that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Shelly Furukawa
Notary Public for the State of Idaho
Residing at Highway 100
My Commission Expires: 11-25-06
SS No. _____

This instrument was filed for record at the request of Anderson Nelson Hall Smith, P.A. **247230**

at 2:11 o'clock p.m. 5-30 2001
and duly filed and indexed in the records of Lemhi
County

Tami J. Morton
EX-Officio Recorder
Sierra Cutiong
Fee 3.00

WARRANTY DEED

For Value Received

LOUIE S. DEMICK or MARLENE R. DEMICK,
husband and wife,

the grantors, do

hereby grant, bargain, sell and convey unto

C. & H. CONSTRUCTION, INC.

an Idaho Corporation

4233 Haroldsen Drive, Idaho Falls, Idaho 83402
the grantee, the following described premises, in Lemhi County Idaho, to wit:

A parcel of land located in the SW $\frac{1}{4}$, Section 8, T. 21
N. R. 22 E., B. M., Lemhi County, Idaho more particu-
larly described as follows:

Commencing at the Southwest Corner of said Section 8, a
distance of 75.00 feet on a bearing of N. 90° 00' 00"
E. to the easterly right of way of U.S. Highway No. 93,
thence N. 0° 02' 43" W. 880.20 feet along said right of
way to the REAL POINT OF BEGINNING.

Thence N. 00° 02' 43" W. 450.76 feet to a point
on an existing fence line;

Thence S. 89° 52' 06" E. 579.73 feet along said
fence line;

Thence S. 00° 04' 12" E. 450.76 feet along an
existing fence line;

Thence N. 89° 52' 06" W. 579.93 feet to the REAL
POINT OF BEGINNING.

Together with all water, water rights, ditches and ditch rights
appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
its heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantee, that they are the owner in fee simple of said premises; that they
are free from all incumbrances except the lien for taxes for the current year,
any liens and encumbrances of record on this date, and any liens or
encumbrances suffered or created by Grantee prior to the date hereof,
and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 20, 1992.

Louie S. Demick
LOUIE S. DEMICK
Marlene R. Demick
MARLENE R. DEMICK

STATE OF IDAHO, COUNTY OF Lemhi

On this 20th day of May, 1992,
before me, a notary public in and for said State, personal-

Louie S. Demick and Marlene R. Demick
LOUIE S. DEMICK and
MARLENE R. DEMICK
PUBLIC

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

J. R. Demick
Residing at Salmon, Idaho
Comm. Expires 10-6-92

STATE OF IDAHO, COUNTY OF

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

at 20 minutes past 11 o'clock a.m.,
this 21st day of May

1992, in my office, and duly recorded in Book
of Deeds at page

Archie W. Demick
Ex-Officio Recorder

By *Patricia Burke*
Deputy.

Fees \$ 1.22

Mail to: *Lemhi Title*

LEMHI TITLE & ABSTRACT — SALMON, IDAHO

INSTRUMENT NO.

214627



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 30, 2006

CBS Land LLC
Box 50558
Idaho Falls, ID 83405

RE: 75-4301

We have been informed by Louie Demick that you now own the property the is associated with this water right. If you want your name in the final recommendation, then you need to file a change in water right ownership form and mail it to this office as soon as possible. Be sure to include a copy of the warranty deed or other document as described in item 2. B.

Sincerely,

Kenneth Knoblock
Water Resources Agent