

06/13/2008

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

RIGHT NUMBER: 75-14524

NAME AND ADDRESS: MICHAEL CUMMINGS  
PO BOX 132  
NORTH FORK ID 83466

SOURCE: NORTH FORK SALMON RIVER                      TRIBUTARY: SALMON RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/01/1908

POINT OF  
DIVERSION:

T25N R21E S28 SWNW Within LEMHI County  
T25N R21E S33 SWNW 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                             | 0.200 CFS       |
| PLACE OF USE: | <u>IRRIGATION in LEMHI County</u>                                 |                                         |                 |
|               | T24N R21E S04                      NENW                      2.60 | T24N R21E S04                      NWNW | 5.70            |
|               | T25N R21E S33                      SWSW                      0.60 | T25N R21E S33                      SESW | 0.10            |

9 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 - Beneficial Use

This right is a split from former right 75-14472 .



## 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](http://www.idwr.idaho.gov)

EASTERN REGION

June 13, 2008

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

GORDON KIRSCHENMANN  
PO BOX 551  
RIRIE ID 83443

RE: Notice of Change of Water Right Ownership (NCO) for  
75-14472 (75-14524 & 75-14525) and Notice of Completed Administrative  
Proceeding (NCAP)

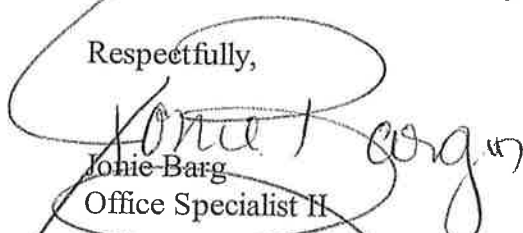
Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

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 the 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: MICHAEL CUMMINGS

SCANNED

AUG 04 2008

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

In Re SRBA )

Water Rights: 75-14472  
(Split into 75-14524 & 75-14525)

Case No. 39576 )

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party CUMMINGS-KIRSCHENMANN
- ☐ I.C. § 42-222 transfer
  - ☐ point of diversion ☐ place of use
  - ☐ period of use ☐ nature of use
  - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 24, 2008

Ernst Carlson.

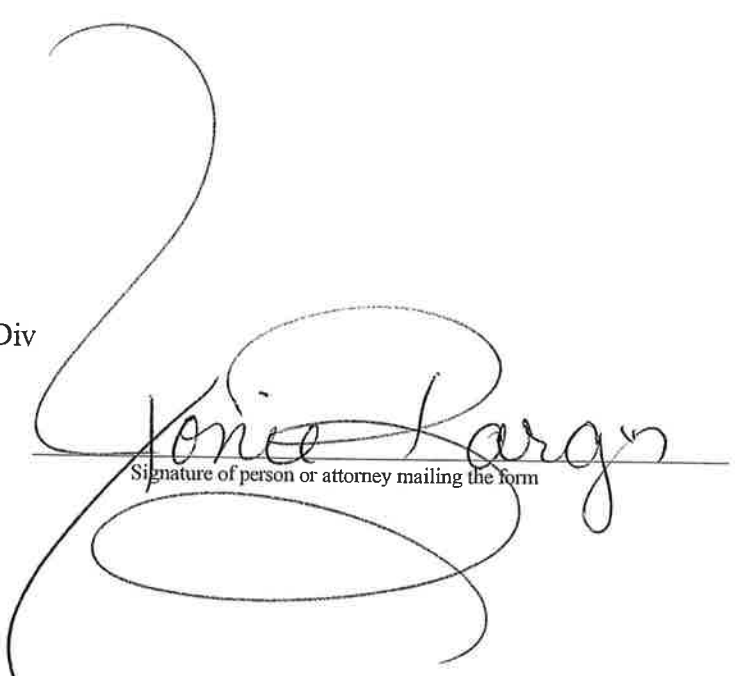
Signature of IDWR Representative

SCANNED  
AUG 04 2008

**CERTIFICATE OF MAILING**

I certify that on July 28, 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:  
Michael Cummings  
PO Box 132  
North Fork ID 83466
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
Gordon Kirschenmann  
PO Box 551  
Ririe ID 83443
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

06/9/2008

IDAHO DEPARTMENT OF WATER RESOURCES  
CLAIMS / RIGHTS NOT RECOMMENDED

---

W.R. NUMBER

75-14472

CLAIM DISPOSITION REASON

Disallowed

Split into: 75-14524 & 75-14525

SCANNED  
AUG 04 2008

06/13/2008

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

RIGHT NUMBER: 75-14524

NAME AND ADDRESS: MICHAEL CUMMINGS  
PO BOX 132  
NORTH FORK ID 83466

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/01/1908

POINT OF  
DIVERSION:

T25N R21E S28 SWNW Within LEMHI County  
T25N R21E S33 SWNW 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          | 0.200 CFS       |
| PLACE OF USE: | <u>IRRIGATION in LEMHI County</u> |                      |                 |
|               | T24N R21E S04 NENW 2.60           | T24N R21E S04 NWNW   | 5.70            |
|               | T25N R21E S33 SWSW 0.60           | T25N R21E S33 SESW   | 0.10            |

9 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 - Beneficial Use

This right is a split from former right 75-14472 .

SCANNED  
AUG 04 2008

06/13/2008

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

RIGHT NUMBER: 75-14525

NAME AND ADDRESS: GORDEN R KIRSCHENMANN  
PO BOX 551  
RIRIE ID 83467-5147

SOURCE: NORTH FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/01/1908

POINT OF  
DIVERSION:

T25N R21E S28 SWNW Within LEMHI County

T25N R21E S33 SWNW Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.040 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T24N R21E S04

NENW

1.80

T25N R21E S33

SESW

0.10

1.9 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 - Beneficial Use

This right is a split from former right 75-14472 .

SCANNED

AUG 04 2009

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

754524

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 75-14472              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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)

Michael Cummings

P.O. Box 132 North Fork, ID 83466

4. New Owner/Claimant(s)

Gordon R. Kirschenmann

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

New Mailing Address

P.O. Box 551 Ririe, Idaho 83443

City, State and ZIP Code

~~North Fork, Idaho 83466~~

New Telephone Number

208 538-7900

5. Date you acquired the property

June 4, 2008

New Owner: Gordon R. Kirschenmann  
P.O. Box 551  
Ririe, Idaho 83443

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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>75-14472</u>                                                            |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | <u>04 cfs.</u>                                                             | <u>2 acres</u>                                               |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other                                                                                                                   | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(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)

Gordon R. Kischmann  
(new owner)

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 NLA

Date

6/6/08

Fee \_\_\_\_\_

Received by \_\_\_\_\_

Date

Receipt No. \_\_\_\_\_

Processed by \_\_\_\_\_

AJ

Date

WR \_\_\_\_\_

Date \_\_\_\_\_

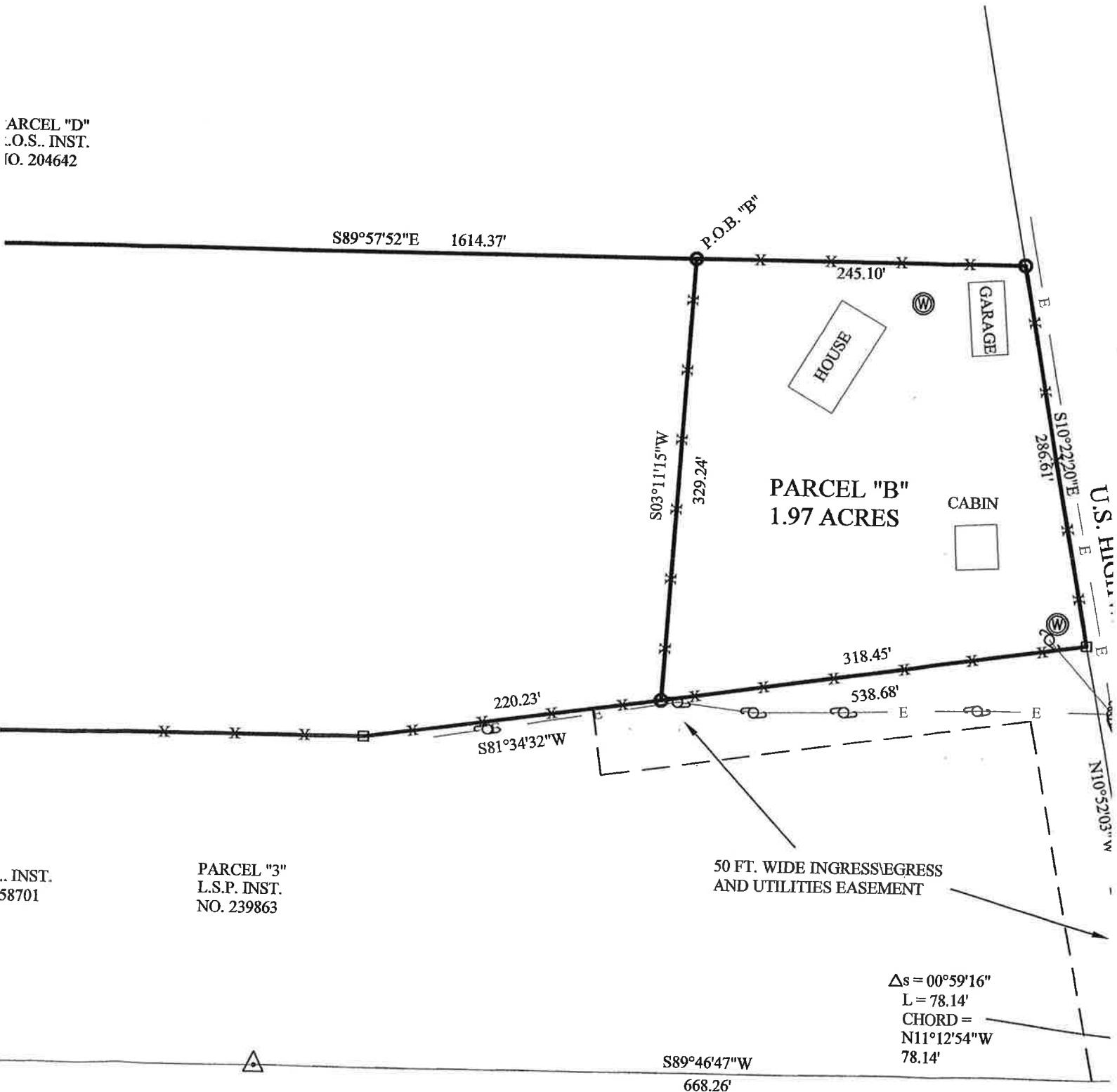
NW 1/4 OF SECTION 4, T. 24 N., R. 21 E.,  
DIAN, LEMHI COUNTY, IDAHO

S. INST. # 204642 AND #158701

.17 ACRES - 2 PARCELS

(INCLUDING SPLITS ON BOTH PARCELS)

PARCEL "D"  
L.S.P. INST.  
NO. 204642



L.S.P. INST.  
NO. 158701

PARCEL "3"  
L.S.P. INST.  
NO. 239863



COPY

## WARRANTY DEED

Order No.: 3070804700L-D

FOR VALUE RECEIVED

Michael C. Cummings, a married man

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

Gorden R. Kirschenmann, a single person

whose current address is

P.O. Box 551 Ririe, ID 83443

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

### PARCEL "B"

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER, SECTION 4, T. 24 N., R. 21 E.,  
BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOW.

COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 7 OF SAID SECTION  
FROM WHICH THE NORTHWEST CORNER OF SAID SECTION BEARS S 89°49'33" W A DISTANCE OF  
328.33 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S 89°57'52" E ALONG THE  
SOUTHERLY BOUNDARY OF PARCEL "D" AS SHOWN ON RECORD OF SURVEY (R.O.S.) INST. NO. 204642  
AS RECORDED IN THE LEMHI COUNTY COURTHOUSE A DISTANCE OF 1369.27 FT. TO A POINT ON AN  
EXISTING FENCE AND THE POINT OF BEGINNING;

THENCE CONTINUING S 89°57'52" E ALONG SAID BOUNDARY A DISTANCE OF 245.10 FT. TO A  
POINT ON THE WESTERLY RIGHT-OF-WAY OF U. S. HIGHWAY 93;

THENCE S 10°22'20" E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 286.61 FT. TO THE  
NORTHEAST CORNER OF THE 86.90 ACRE PARCEL SHOWN ON R.O.S. INST. NO. 158701;

THENCE S 81°34'32" W ALONG THE NORTHERLY BOUNDARY OF SAID R.O.S. A DISTANCE OF  
318.45 FT. TO A POINT ON AN EXISTING FENCE;

THENCE N 03°11'15" E ALONG SAID FENCE A DISTANCE OF 329.24 FT. TO THE POINT OF  
BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns  
forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in  
fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions,  
covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 6-04-08

Michael C. Cummings

Michael C. Cummings

Lisa M. Cummings

State of Idaho  
County of Lemhi

SS No. 276370

This instrument was filed for record at the request  
of Alliance Title

at 3:30 o'clock p.m. 6-4-2008

and duly filed and indexed in the records of Lemhi  
County

Torri J. Morton  
Ex-Officio Recorder

By Elyssa Cardin Deputy

Fee

9.00

Return to

A-T

} ss.

}

On this 4<sup>th</sup> day of June, in the year 2008 before me, a Notary Public in and for said state, personally appeared Michael C. Cummings known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that ~~they~~ executed the same.

\_\_\_\_\_  
 Notary Public for the State of Idaho  
 Residing at: Salmon  
 Commission Expires: 6-19-2013

State of Idaho

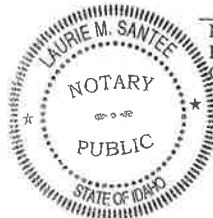
}

} ss.

County of Idaho

On this 21<sup>st</sup> day of May, in the year 2008 before me, a Notary Public in and for said state, personally appeared Lisa M. Cummings known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that ~~they~~ <sup>she</sup> executed the same.

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

Laurie M. Santee  
Notary Public for the State of Idaho

Residing at:

Commission Expires: Salmon  
6-19-2013