

11/10/2010

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

RIGHT NUMBER: 75-14683

NAME AND ADDRESS: SCOTT HATCH
55 BECKER RD
NORTH FORK, ID 83466

SOURCE: HUGHES CREEK TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 04/01/1912

POINT OF
DIVERSION: T25N R21E S21 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.060 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T25N R21E S28 NENW 0.40	T25N R21E S28 NWNW 1.70	

2.1 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 75-14133.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4362.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 10, 2010

Jon Cummings
Nancy Cummings
PO Box 202
Salmon ID 83467

RE: Notice of Change of Water Right Ownership (NCO) for 75-14683 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.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

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

Respectfully,

Jonie Barg
Technical Records Specialist

Enclosure

SCANNED

DEC 20 2010

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: 75-14683

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party HATCH-CUMMINGS

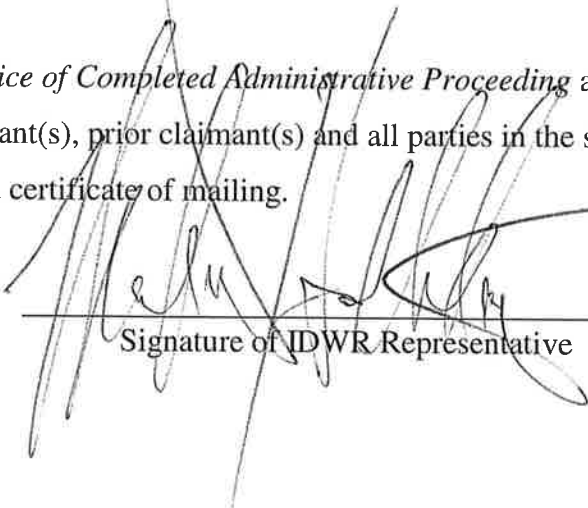
☐ I.C. § 42-222 transfer

- ☐ 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: 11/12/2010



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 12, 2010, 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:
Scott Hatch
55 Becker Rd
North Fork ID 83466

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Jon Cummings
Nancy Cummings
PO Box 202
Salmon ID 83467

4. One copy to:

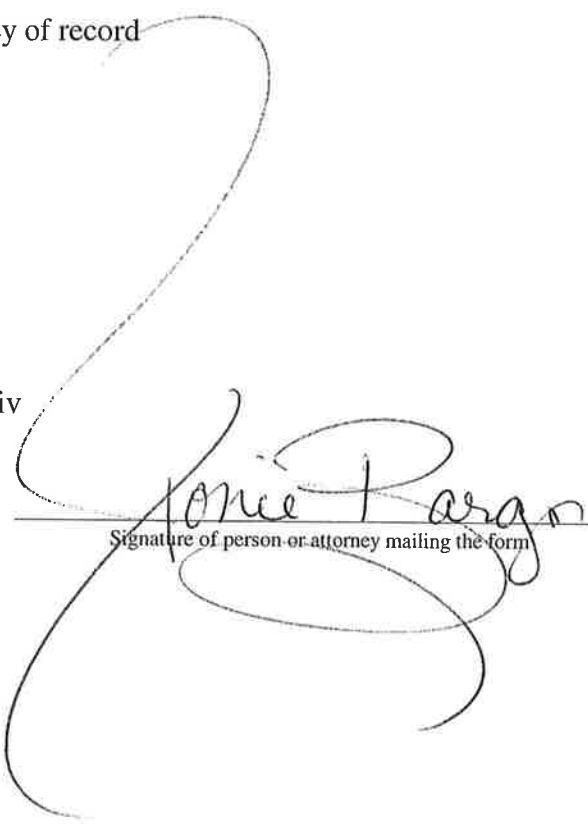
Each party in the subcase, or attorney of record

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

11/10/2010

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

RIGHT NUMBER: 75-14683

NAME AND ADDRESS: JON CUMMINGS
PO BOX 202
SALMON ID 83467

NANCY CUMMINGS
PO BOX 202
SALMON ID 83467

SOURCE: HUGHES CREEK

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 04/01/1912

POINT OF
DIVERSION:

T25N R21E S21 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.060 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S28 NENW 0.40

T25N R21E S28 NWNW 1.70

2.1 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 75-14133.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4362.

SCANNED

DEC 20 2010

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

RECEIVED

APR 27 2010

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)
75-14683					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 100⁰⁰
- 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) Scott Hatch
56 Becke RD
Salmon ID 83467

4. New Owner/Claimant(s) Jon and Nancy Cummings
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address Box 202

City, State and ZIP Code Salmon ID 83467

New Telephone Number (208) 865-2145 Email: _____

SCANNED

DEC 20 2010

5. Date you acquired the property

3/4/2010

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 <u>75-14133</u>		
Irrigation	<u>8.15 cfs</u>	<u>3 ac.</u>
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)

[Signature]
Nancy Cummings

(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 JB
 Received by JB
 Processed by _____ AJ

Date 4/27/10
 Date 4/27/10
 Date _____

Receipt Amt. \$100. -
 Receipt No. E035776
 WR _____ Date _____

Refund Required.

SCANNED

DEC 20 2010

WARRANTY DEED

For Value Received, C. SCOTT HATCH, a married man dealing with his sole and separate property, the Grantor, does hereby Grant, Bargain, Sell and Convey unto KENNETH CRAIG KRIEMAN, a married man dealing with his sole and separate property, the Grantee, whose current address is 2235 State Street, Santa Barbara, California 93105, those premises in Lemhi County, Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever, and the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all encumbrances except the following:

1. General taxes for the year 1995 and subsequent years, which are an accruing lien, not yet due and payable.

2. Terms and conditions contained in Grant Deed recorded July 8, 1986, as Instrument No. 191095, records of Lemhi County, Idaho

3. The right, title and interest of the public in and to those portions of the above described premises falling within the bounds of roads or highways, dedicated and or otherwise used by the public, and subject to all easements and restrictions attendant and pertinent to said highways.

4. Restrictions and reservations contained in the United States patent to said land. Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized by the local customs, laws and decisions of courts.

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

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 29 day of September, 1995.

C. Scott Hatch
C. Scott Hatch

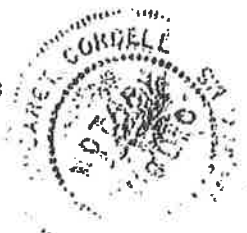
STATE OF MISSISSIPPI)
County of Lafayette) ss.

On this 29th day of September, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared C. SCOTT HATCH, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Margaret CordeLL
Notary Public for Mississippi
Residing at
Commission Expires:

My Commission Expires July 13, 1998



State of Idaho) SS No. 227743
County of Latah)
This instrument was filed for record at the office of
of Albion, Idaho
on 10-12-95
and duly filed and indexed to the records of Latah
County

Alberta Whitelawick
Ex-Officio Recorder
Deputy
909

WARRANTY DEED, Page 2

SCANNED
DEC 20 2010

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN H.E.S. 89, TRACT "A", UNSURVEYED SECTION 20, T. 25 N., R. 21 E., BOISE MERIDIAN, LEHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 14 OF SAID H.E.S. 89, RUN THENCE S. 05 DEGREES 01' 03" W. ALONG LINE 14-15 OF H.E.S. 89, A DISTANCE OF 88.26 FT.;

THENCE N. 09 DEGREES 54' 06" W. A DISTANCE OF 778.85 FT. TO A POINT ON LINE 8-9 OF H.E.S. 89;

THENCE N. 13 DEGREES 31' 01" E. ALONG SAID LINE A DISTANCE OF 203.52 FT.;

THENCE S. 89 DEGREES 54' 06" E. A DISTANCE OF 820.75 FT. TO A POINT ON LINE 13-14 OF H.E.S. 89;

THENCE S. 28 DEGREES 01' 55" W. ALONG SAID LINE A DISTANCE OF 233.25 FT. TO THE POINT OF BEGINNING.

RESERVING TO GRANTOR A 50' WIDE EASEMENT EAST OF THE WESTERLY BOUNDARY LINE OF THE ABOVE DESCRIBED PARCEL FOR THE PURPOSES OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS TO PROPERTY RETAINED BY GRANTOR IMMEDIATELY ADJACENT TO THE ABOVE PREMISES. SAID EASEMENT SHALL TERMINATE AUTOMATICALLY ON SEPTEMBER 15, 1999 UNLESS SAID EASEMENT IS RENEWED BY A WRITTEN DOCUMENT SIGNED BY BOTH GRANTOR AND GRANTEE HEREIN.

227743

EXHIBIT "A"

SCANNED

DEC 20 2010

Warranty Deed

For Value Received **KENNETH CRAIG KRIZMAN**, a married man dealing with his sole And separate property,

the grantor, does hereby grant, bargain, sell and convey unto

**JON CUMMINGS AND NANCY CUMMINGS,
HUSBAND AND WIFE,**

whose current address is **Box 202, North Fork ID 83466**

the grantees, the following described premises, in Lemhi County Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO:

State of Idaho) **282403**
County of Lemhi) SS No.
This instrument was filed for record at the request
of Bill Allen Escrow
at 2:39 o'clock P.M. on 3-9 2010
and duly filed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By Carmen Estrada Deputy
Fee 1.00
Return to SEE

The above conveyance is made free and clear of all other encumbrances except: Rights-of-way and easements, reservation in Federal patents and State deeds, or other restrictions imposed by law, building and zoning regulations and ordinances of any governmental unit, whether of right or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that he/she/they be/are the owner(s) in fee simple of said premises; that they are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Witness my hand and seal this 4th day of March, 2010

KENNETH CRAIG KRIZMAN

STATE OF California, County of Santa Barbara
On this 4th day of March, 2010
before me, a notary public in and for said state, personally appeared

KENNETH CRAIG KRIZMAN
Known or proved to me to be the person(s) whose name(s) is/are
subscribed to the within instrument, and acknowledged to me that
he/she/they has/has not executed the same.

C. Estrada
Notary Public
Residing at Santa Barbara, California
Comm. Expires 1/8/2014

Reserved for recording information



ALLIANCE

SCANNED

DEC 20 2010

282403

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN H.E.S. 89, TRACT "A", UNSURVEYED SECTION 28, T. 25 N., R. 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 14 OF SAID H.E.S. 89, RUN THENCE S. 05° 01' 03" W. ALONG LINE 14-15 OF H.E.S. 89, A DISTANCE OF 66.26 FT.;

THENCE N. 89° 54' 06" W. A DISTANCE OF 778.85 FT. TO A POINT ON LINE 8-9 OF H.E.S. 89;

THENCE N. 13° 31' 01" E. ALONG SAID LINE A DISTANCE OF 283.52 FT.;

THENCE S. 89° 54' 06" E. A DISTANCE OF 820.75 FT. TO A POINT ON LINE 13-14 OF H.E.S. 89;

THENCE S. 26° 01' 55" W. ALONG SAID LINE A DISTANCE OF 233.25 FT. TO THE POINT OF BEGINNING.

SUBJECT TO: A 50.00 FT. WIDE EASEMENT EAST OF THE WESTERLY BOUNDARY LINE OF THE ABOVE DESCRIBED PARCEL.

SCANNED

DEC 20 2010



SCANNED
DEC 20 2010

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED

NOV 29 2010

DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES POSTAGE
02 1R \$ 01.05⁰
0006559263 NOV 24 2010
MAILED FROM ZIP CODE 83702

RECEIVED

APR 20 2012

Department of Water Resources
Eastern Region

ATTEMPTED NOT KNOWN



JON CUMMINGS
NANCY CUMMINGS
PO BOX 202
SALMON ID 83467

Late Claim DR
75-14683

SCANNED

AUG - 8 2011