

MEMORANDUM

TO: 78-250, 78-251, 78-252, 78-4130 Files

FROM: Danie Merriman (Western)

DATE: July 13, 2016

RE : Abandonment Letter

A letter abandoning water rights 78-250, 78-251, 78-252, and 78-4130 was received from Phil Walters on June 1, 2015. Upon further review of the water rights mentioned and the warranty deeds of the land submitted by current land owner Paul Schaetzel, it was determined that Mr. Walters did not own the land at the time the letter was sent. It appears he has not owned the land since 1993 (warranty deeds attached.) Therefore, he has no claim over the water rights and cannot abandon them. The abandonment request was not processed and notice was sent to Mr. Walters on February 10, 2016.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 10, 2016

PHIL WALTERS
PO BOX 553
LEWISTON, ID 83501

COPY

Re: Abandonment of Water Rights 78-00250, 78-00251, 78-00252, and 78-04130

Dear Mr. Walters,

On June 1, 2015, the Department of Water Resources received your letter that stated you abandoned all water rights on Sewell Creek with the corresponding numbers 78-00250, 78-00251, 78-00252, and 78-04130. On August 6, 2015, the Department received an Application for Transfer of the above mentioned water rights from Paul Schaetzel. Attached to the Application for Transfer was a Change of Ownership Form and the corresponding warranty deeds for the property. This deed of ownership sale was dated October 14, 2003.

Based on this information, it appears that you no longer owned the land at the time your abandonment request was submitted in 2015. Water rights are considered appurtenances to the land. Nowhere in the warranty deed are the water rights excluded from the sale of the property, indicating that the water rights are still associated with the land.

Given this information, the Department is not inclined to approve your abandonment request. Please submit additional information to support your request to abandon the above mentioned water rights in writing within the next thirty (30) days for the Department to reconsider your request. Meanwhile, we will continue to process the Application for Transfer and Change of Water Right Ownership.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Danie Merriman
Water Resource Agent
IDWR, Western Region

Cc: PAYETTE NATIONAL FOREST
C/O HOLLY BECKER
500 N MISSION
MCCALL, ID 83638

Re: Transfer 80338: Schaezel

Letter sent to P. Walters
on 1-15-16.

After phone conversation with
Holly Becker from the Forest
Service, determined that the
Walters had moved and their
new address is:

Po Box 553
Lewiston, ID 83501

A copy of the letter was sent
to this new address on 2-10-16.

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



U.S. POSTAGE PITNEY BOWES
ZIP 83702 \$ 000.39¹
02 1W
0001393370 JAN 15 2016

RECEIVED
JAN 22 2016
WATER RESOURCES
WESTERN REGION

PHIL WALTERS
PO BOX 397
NEW MEADOWS, ID 83654



LAAGSSB 0000552



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 15, 2016

COPY

PHIL WALTERS
PO BOX 397
NEW MEADOWS, ID 83654

Re: Abandonment of Water Rights 78-00250, 78-00251, 78-00252, and 78-04130

Dear Mr. Walters,

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Sincerely,

Danie Merriman
Water Resource Agent
IDWR, Western Region

Cc: PAYETTE NATIONAL FOREST
C/O HOLLY BECKER
500 N MISSION
MCCALL, ID 83638

WARRANTY DEED

For value received PHILLIP ALLEN WALTERS aka PHILIP A. WALTERS and LYNETTE MARIE WALTERS aka LYNETTE M. WALTERS, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto HPJ Partners, a California limited partnership registered in Idaho the Grantee, the following described premises in Adams County, Idaho, to-wit:

A parcel of land situated in Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, described as

Section 8: SE1/4NE1/4, N1/2SE1/4, SE1/4SE1/4, NE1/4SW1/4
Section 9: NE1/4SW1/4, LOTS 3 AND 4, SE1/4SW1/4

SAVING AND EXCEPTING THEREFROM the following tracts of land:

TRACT 1: Beginning at the Southeast corner of Section 8, Township 19 North, Range 2 East of Boise Meridian;

Thence North 1276.1 feet;
Thence North 89 degrees 54' West 264.4 feet to the TRUE POINT OF BEGINNING;
Thence North 89 degrees 54' West 93.5 feet;
Thence North 89 degrees 54' West 208.7 feet;
Thence North 89 degrees 54' West 219.5 feet;
Thence North 417.4 feet;
Thence South 89 degrees 54' East 521.7 feet;
Thence South 417.4 feet to the TRUE POINT OF BEGINNING.

All in NE1/4SE1/4 and SE1/4SE1/4 of Section 8, Township 19 North, Range 2 East of Boise Meridian, Adams County, Idaho.

TRACT 2: Beginning at the Southeast corner of Section 6, Township 19 North, Range 2 East, Boise Meridian;

Thence North 1316.1 feet;
Thence North 89 degrees 54' West 3491.6 feet to the TRUE POINT OF BEGINNING;
Thence North 89 degrees 54' West 466.7 feet;
Thence North 466.7 feet;
Thence South 89 degrees 54' East 466.7 feet;
Thence South 466.7 feet to the TRUE POINT OF BEGINNING.

All in the NE1/4SW1/4, Section 6, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho.

Subject to the following encumbrances which are filed for record in the office of the Adams County Recorder:

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a certain grant to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded April 23, 1948 as Instr. No. 31760, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a certain grant to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded October 2, 1964 as Instr. No. 43721, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to the present ownership of said easement), recorded December 28, 1984 as Instr. No. 69657, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to the present ownership of said easement), recorded October 16, 1981 as Instr. No. 63067, records of Adams County, Idaho.

A RESERVED RIGHT OF WAY for road purposes deed by James W. McCumsey to the Public, which was made reference to in a Warranty Deed recorded September 13, 1913 as Instr. No. 2758, Book 1 of Deeds at page 396, records of Adams County, Idaho.

A RIGHT OF WAY with terms and conditions for the purpose of a County road, granted to Adams County (no representation is made as to the present ownership of said right of way), recorded July 11, 1911 as Instr. No. 391 in Book 2 of Deeds at page 90, records of Adams County, Idaho.

AN EASEMENT with terms and conditions as set forth in a document granted to COUNTY OF ADAMS, recorded February 19, 1960 in Book 25 of Deeds at page 146 as Instr. No. 46109, records of Adams County, Idaho.

EASEMENTS for roads, ditches and public utilities as now established.

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

DATED This 9th day June, 1993.

Phillip Allen Walters

Lynette Marie Walters

STATES OF IDAHO

COUNTY OF VALLEY

On this 11th day of June, 1993, before me a Notary Public for the State of Idaho, in and for the County of Valley, personally appeared PHILLIP A. WALTERS AND LYNETTE M. WALTERS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 11th day of June, 1993.

NOTARY PUBLIC

STATE OF IDAHO

My Comm. Expires

12/31/95

1534690-224

WARRANTY DEED, Page 4N

INSTRUMENT NO. 81231
State of Ks)
County of Adams) ss.

Filed for record at the request of
Timberland Title & Survey
24 min. past 1 o'clock P. M.
this 14 day of June, 19 99

MICHAEL FISK, RECORDER
by S. D. Y. [Signature]

Deputy

Fee \$ 6.00

RECEIVED

JUN 01 2015

May 16, 2015

Holly Becker
C/O Payette National Forest
500 N. Mission
McCall Id 83638

WATER RESOURCES
WESTERN REGION

and

Idaho Department of Water Rights
Western Region,
2735 Airport Way
Boise Id 83705-5082

I have abandoned all water rights on Sewell Creek, claim numbers 78-00250, 78-00251, 78-00252, and 78-04130.

Sincerely,



Phil Walters
Lewiston Idaho

7.A

INSTRUMENT NO. **104722**
PAGE 1 OF 1

WARRANTY DEED

RECEIVED

AUG 06 2015

WATER RESOURCES
WESTERN REGION

For Value Received, HPJ PARTNERS, a California Limited Partnership
the grantor, does hereby grant, bargain, sell and convey unto
SCHAETZEL/BIRCH TRUST dated January 17, 1995
the grantee, whose current address is 4040 STETSON AVENUE, ROSAMOND, CA 93560
the following described premises, in Adams County, Idaho, to-wit:

Lot 1, Block 1, Timber Ridge Subdivision, Adams County, Idaho, as set forth
on the official plat thereof recorded August 22, 1995 in Book 2 Plats
page 17, in the office of the Adams County Recorder

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee,
its heirs and assigns forever. And the said Grantor does 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 encumbrances excepting for all easements of record, rights of way, matters
visible, and all matters of record and title and that they will warrant and defend the
same from all lawful claims whatsoever.

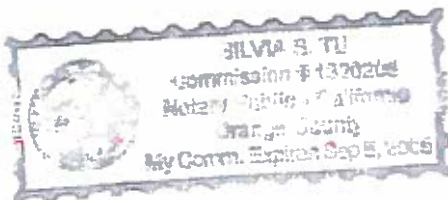
Date: OCTOBER 17, 2003

HPJ PARTNERS, a California Limited Partnership

BY: [Signature] [Signature] [Signature] [Signature]
HOBART L. ALTER, General Partner by
HOBART P. ALTER, his attorney in fact

STATE OF California)
COUNTY OF Orange) : ss

On this 14th day of OCTOBER, in the year of 2003, before me, a Notary Public in and for said State, personally
appeared HOBART P. ALTER known or identified to me to be the person whose name is subscribed to the within instrument
as the Attorney in Fact of HOBART L. ALTER, who is known to me to be the general partner in the partnership of HPJ
PARTNERS, a California Limited Partnership and acknowledged to me that he subscribed the name of HOBART L. ALTER
thereto as principal and his own name as Attorney in Fact and acknowledged to me that he executed the same in said
partnership name.



[Signature]
Notary Public
Residing at: 570 Camino De Estrella SC
Commission expires: 7-8-2008

#03-693

Instrument # **104722**
COUNCIL, ADAMS, IDAHO
2003-10-16 02:24:50 No. of Pages: 1
Recorded for: TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 1.00
Ex-Officio Recorder Deputy [Signature]
Index to DEED