

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
SEP 22 2014
DEPARTMENT OF
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
85-15450	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Cheryl + Jerry Smolinski
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Paul L. Clark
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 21384 Big Canyon Rd Pack ID 83545
Mailing address City State ZIP
- 208-486-6002 N/A
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 9-17-14
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Paul L. Clark 9-17-14
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by AS Date 9/22/14 Receipt No. C099434 Receipt Amt. \$25⁰⁰

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by [Signature] Processed by [Signature] Date 9/25/2014

SCANNED

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/15/2014

WATER RIGHT NO. 85-15450

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHERYL SMOLINSKI
Current Owner	JERRY SMOLINSKI 21384 BIG CANYON RD PECK, ID 83545 (208)486-7840
Original Owner	HUGH H LEEPER PECK, ID

Priority Date: 06/12/1959

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG CANYON CREEK	CLEARWATER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.04 CFS	3.9 AFA
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

BIG CANYON CREEK|NWNW|Sec. 11|Township 36N|Range 01 W|NEZ PERCE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION NEZ PERCE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
36N	01W	11		NWNW	0.6		SWNW	0.7						

Total Acres: 1.3

Conditions of Approval:

1. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 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.
4. P21 This right is a split from former right 85-2121.
5. E53 USE OF THIS RIGHT WITH RIGHT NO. 85-15451 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.04 CFS.

Dates:

Licensed Date:

Decreed Date: 08/18/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:
Combined Volume Limit:
Combined Rate Limit: 0.04
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

13988

709249

RERECORD
710665

*Rerecorded to correct legal description

EASEMENT

TERRANCE BALL and CHARLENE BALL, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto PAUL L. CLARK and DONNA M. CLARK, husband and wife, the Grantees, who reside at 21384 Big Canyon Road, Peck, Idaho 83545, an easement for the purpose of installing, repairing, maintaining, transporting, and operating an underground irrigation water line commencing at Big Canyon Creek, under and across the following described real property, situate in the County of Nez Perce, State of Idaho, to-wit:

Lot 10, JONES SUBDIVISION at Peck, Idaho, according to the recorded plat thereof, records of Nez Perce County, Idaho.

The Grantees shall have the right to go upon the above-described real property and take full advantage of the rights herein set forth in such a manner as to minimize damage to the Grantors' property. Grantees shall notify Grantors in advance before going on the property. The Grantors represent that such water line presently may be located under their residence; therefore, should it be necessary to repair or replace said line, Grantors specifically agree the irrigation line may be moved to such other location which causes the least damage to Grantors' property. Grantors reserve the right to require any user of the irrigation water line system located on the easement area to make such repairs as may be necessary for health, safety and sanitary reasons. In the event the user of such system fails to make such repairs, then the Grantors may make such necessary repairs and charge the costs thereof to said users.

The easement hereby granted is personal to the Grantee and is perpetual and an appurtenance to the real property hereinafter described.

for the benefit of the following described real property, situate in the County of Nez Perce, State of Idaho, to-wit:

Lot 1, JONES SUBDIVISION at Peck, Idaho, according to the recorded plat thereof, records of Nez Perce County, Idaho.

AND ALSO:

The South 172 feet of the West 535 feet of the Northwest Quarter of the Northwest Quarter of Section 11, Township 36 North, Range 1, West of the boise Meridian.

Easterly

EXCEPTING that portion lying ~~Westerly~~ of the Westerly right-of-way line of the county road.

709249

RERECORD 710665

This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of the parties, their heirs, successors and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands this 4th day of September, 2004.

Terrance Ball
TERRANCE BALL

Charlene Ball
CHARLENE BALL

RERECORD

INST. NO. 710665
FILED FOR RECORD

FILE 600 REG. BY LAND TITLE

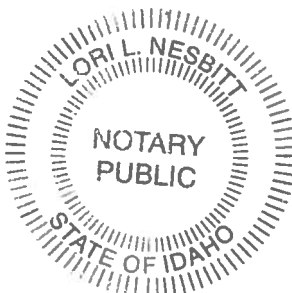
2004 OCT 20 P 1:59

PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID

STATE OF IDAHO)
: ss
County of Nez Perce)

On this 4th day of September, 2004, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared TERRANCE BALL and CHARLENE BALL, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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



[Signature]
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.
My commission expires 5-16-08

INST. NO. 709249
FILED FOR RECORD

FILE 600 REG. BY LAND TITLE

2004 SEP -9 A 10:54

PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID

BY [Signature] DEPUTY

13988
**RERECORD
710664**

709248

INST. NO. **709248**
FILED FOR RECORD
FEE 6.00 REG. BY **LAND TITLE**

*Rerecorded to correct legal description

2004 SEP -9 A:10:54

WARRANTY DEED

PATTY O. WEEKS
RECORDER, NEZ PERCE CO. ID.

BY *Andy Clark* DEPUTY

For Value Received, JERRY R. SMOLINSKI and CHERYL DALE SMOLINSKI, husband and wife, as Grantors, do hereby grant, bargain, sell and convey unto PAUL L. CLARK and DONNA M. CLARK, husband and wife, the Grantees, whose current address is 21384 Big Canyon Road, Peck, Idaho 83545, all of their interest in the following described premises situate in the County of Nez Perce, State of Idaho, to-wit:

Lot 1, JONES SUBDIVISION at Peck, Idaho, according to the recorded plat thereof, records of Nez Perce County, Idaho.

AND ALSO:

The South 172 feet of the West 535 feet of the Northwest Quarter of the Northwest Quarter of Section 11, Township 36 North, Range 1, West of the boise Meridian.

EXCEPTING that portion lying ^{Easterly} ~~Westerly~~ of the Westerly right-of-way line of the county road.

SUBJECT TO Certification of Lot Restrictions, its terms and provision as disclosed by instrument recorded April 29, 1997 as Instrument No. 619774, records of Nez Perce County, Idaho.

SUBJECT TO all rights of way for public utilities and public roads as the same now exist over and across the herein described property.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances except those set forth above, and taxes, levies and assessments for 2004 and thereafter; and that they will warrant and defend the same from all lawful claims whatsoever.

709248
RERECORD 710664

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this
8th day of September, 2004.

GRANTORS:

Jerry R. Smolinski
JERRY R. SMOLINSKI

Cheryl D. Smolinski
CHERYL DALE SMOLINSKI

STATE OF IDAHO)
 : ss
County of Nez Perce)

On this 8th day of September, 2004, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared JERRY R. SMOLINSKI and CHERYL DALE SMOLINSKI, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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



[Signature]
Notary Public in and for the State of Idaho,
residing at Coeur d'Alene, ID.

My commission expires 5/16/08

RERECORD
INST. NO. 710664
FILED FOR RECORD
FILE 6000 REG. BY LAND TITLE

2004 OCT 20 P 1:58

PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID

BY [Signature] DEPUTY

