

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

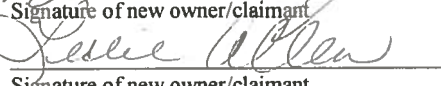
Notice of Change in Water Right Ownership

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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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
98-4301	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

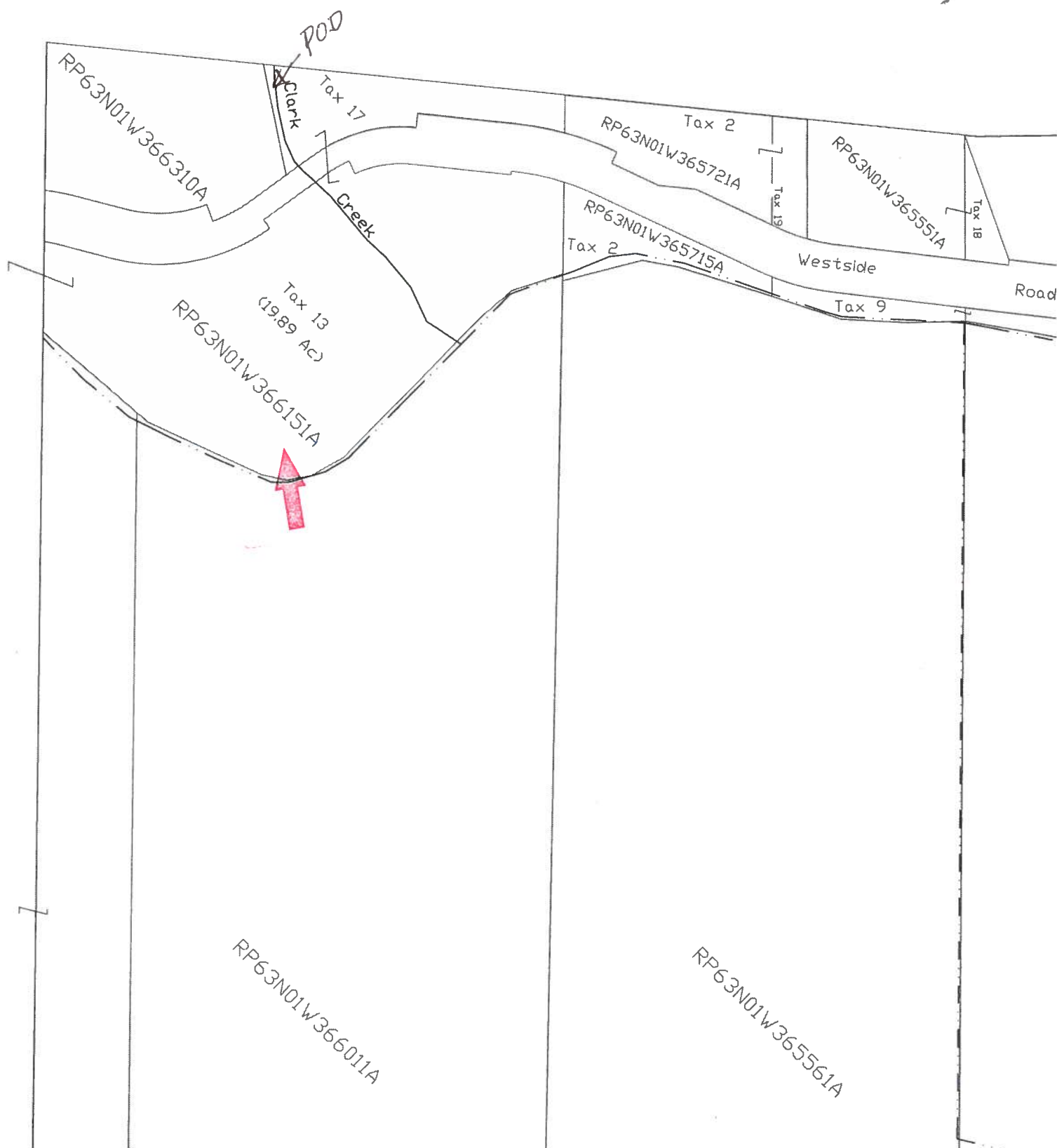
2. Previous Owner's Name: Clifford R. Utter and Donna C. Utter
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Norvin H. Allen, Jr. and Leslie Ann Allen
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|-------------------------------------|-----------------------------|-----------|--------------|
| <u>4255 Westside Rd</u> | <u>Bonnors Ferry</u> | <u>ID</u> | <u>83805</u> |
| Mailing address | City | State | ZIP |
| <u>858-254-4157 or 858-254-5715</u> | <u>farmernorv@gmail.com</u> | | |
| 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: 09/26/13
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.

8. Signature:  Title, if applicable: _____ Date: 11-9-13
 Signature:  Title, if applicable: _____ Date: 11-9-13

For IDWR Office Use Only

Received by  Date 11/12/13 Receipt No. N030210 Receipt Amt. \$25.00
 Approved by _____ Processed by _____ Date _____

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/28/2013

WATER RIGHT NO. 98-4301

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<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLIFFORD R UTTER HC 60 BOX 278 BONNERS FERRY, ID 83805-9518 (208)664-2351
Current Owner	DONNA C UTTER C/O EDWIN HOLMES PO BOX 909 COEUR D ALENE, ID 83816-0909 (208)664-2351

Priority Date: 01/01/1963

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
CLARK CREEK	KOOTENAI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

CLARK CREEK|SWSW|Sec. 36|Township 63N|Range 01W|BOUNDARY County

Place(s) of use:

Place of Use Legal Description: DOMESTIC BOUNDARY County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
63N	01W	36		SWSW										

Conditions of Approval:

1. Domestic use is for one home and some stockwatering (5-25 head; fowl - 48 birds.

Dates:

Licensed Date:

Decreed Date:

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:

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

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Claim No. 98-04301

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Section 42-243, Idaho Code, authorizes the filing of a claim to a water right established by diversion and application of water to beneficial use for domestic uses as defined in Section 42-111, Idaho Code. The filing of this claim does not confirm the water right claimed.

Notice is hereby given that clifford R. Utter and Donna C. Utter, husband and wife
(Name of Claimant) 83816-0909
c/o Edwin Holmes, POB 909 Coeur d'Alene ID Telephone No: (208) 664-2351
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) January 1, 1963
A claim is not acceptable on a surface water source with a priority later than May 20, 1971.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Clark Creek tributary to Kootenai River

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04cfs</u>	Use <u>domestic</u>	Period of Use From <u>01/01</u>	to <u>12/31</u>
Quantity	<u>n/a</u>	Use	Period of Use From	to
Quantity	<u>n/a</u>	Use	Period of Use From	to

4. .04cfs - 1.2af TOTAL QUANTITY USED.
(cfs, af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of --- $\frac{1}{4}$, Govt. Lot ---
Sec. 36 Township 63N Range 1W B.M. Boundary County; additional points of diversion
if any: n/a

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. gravity flow, nozzle and pipe

6. A) Describe place of use within each 40-acre tract in the appropriate box using the following symbols in the appropriate tract. D - domestic, S - stockwater, X - other

T	R	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
63N	1W	36											D						

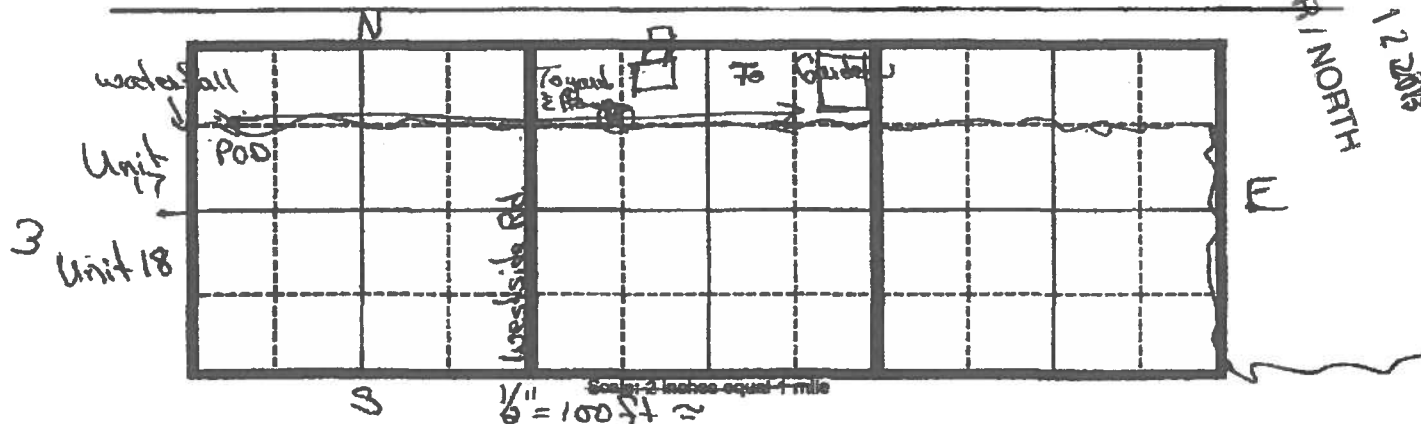
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OCT 10 2001

8) Fully describe the use, being as specific as possible: domestic use - household drinking water,
some stockwatering

NOTE: Include here the type and number of stock watered: cattle - 5-25 head; fowl - 48 birds

7. Remarks: sole source of drinking water for property



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system. Attach an aerial photograph of the place of use if available.

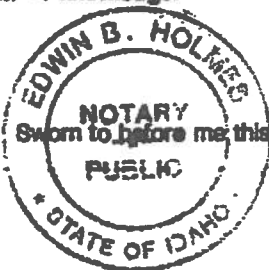
State of Idaho

County of Kootenai

Boundary

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Donna Utter

Claimant's Signature (and title if claim is for an organization)

4th

day of

October

, 1996.

Edwin B. Holmes

Notary Public

Residing at:

Coeur d'Alene

My commission expires:

3/18/2002

FOR DEPARTMENT USE ONLY

Received by TS

Prelim. check by TS

\$100.00 receipted by TS

Receipt # A2010731

Date

10/7/96

Date

10/7/96

Date

10/7/96

Published in

Donner Ferry Herald 10/16 & 23/96

OK 11/6/96

Exceptions filed by

Date

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PERSONAL REPRESENTATIVE'S DEED

This deed made this September 20, 2013, between The Estate of Clifford R. Utter, acting by David R. Utter, Personal Representative of the the Estate of Clifford R. Utter, deceased, whose address is 4718 Sunnymead, Lawton, Oklahoma, 73501, herein sometimes referred to as the Party of the First Part, and Norvin H. Allen Jr. and Leslie Ann Allen, of 13710 Butano Way, San Diego, California, 92129, husband and wife, as community property with right of survivorship, herein collectively referred to as the Parties of the Second Part,

Witnesseth, that for good and valuable consideration, the receipt of which is hereby acknowledged, and after inspection of the property by the Parties of the Second Part, the Party of the First Part, hereby conveys to the Parties of the Second Part, and their heirs, successors, and assigns, all its right, title and interest in that parcel of real property situate in the County of Boundary, State of Idaho, which is more fully described in exhibit "A" attached hereto, and by this reference made a part hereof, including any after acquired title of the Estate.

And David R. Utter, as such personal representative, covenants with the Parties of the Second Part, that he is lawfully the personal representative of the Estate of Clifford R. Utter, has power to convey the above described property, and makes this conveyance in his capacity as personal representative.

In witness whereof, the personal representative has executed this deed the day and year first above written.

STATE OF IDAHO }
County of Boundary } ss.

Filed by Community title
on 9-26-13 at 1:15
Glenda Poston
County Recorder C. Poston
By Deputy
Fee \$ 14.00 cash
Mail to CT

SIGN
HERE
→

David R. Utter
David R. Utter
Personal Representative

258840

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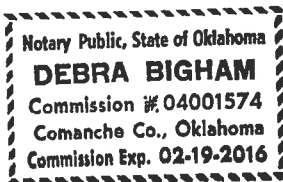
Oklahoma
State of ~~Idaho~~)
County of ~~Boundary~~) .ss
Comanche

On this September 20th, 2013, before me, a Notary Public for the State of *Oklahoma* ~~Idaho~~, personally appeared David R. Utter, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate Clifford R. Utter, and acknowledged to me that he executed the same on behalf of the Estate as such personal representative.

SUBSCRIBED AND SWORN to before me this September 20th, 2013.

Debra Biggam
Notary Public
Printed Name: Debra Biggam

Residing at: FSFCU 2 NE 22nd St. Lawton OK
Commission Expires: 2-19-2016 73507



NOTARIZE
HERE

EXHIBIT "A"
Legal Description

The land referred to in this document is situated in the State of Idaho, County of Boundary, and is described as follows:

A tract of land in Section 36, Township 63 North, Range 1 West, and Section 1, Township 62 North, Range 1 West, Boise Meridian, Boundary County, Idaho, being a part of Units 17 and 18 of Drainage District No. 3, as defined in Book 1 of Plats, Page 4, Boundary County, Idaho; more particularly described as follows:

Commencing at the Northwest corner of said Unit 17, which is on the West line of said Section 36 and North 05°36'10" East, 1479.36 feet from the Southwest corner of said Section 36; thence, along the North line of said Unit 17, North 89°44'55" East, 232.42 feet, to the Easterly right of way of County Road No. 18, known as the West Side Road and the TRUE POINT OF BEGINNING; Thence, continuing along the North line of Unit 17, North 89°44'55" East, 277.58 feet, to the West side of the drainage ditch; thence, along the West side of the drainage ditch. South 19°11'38" East, 152.92 feet; Thence, South 42°21'55" East, 114.43 feet; Thence, South 46°50'59" East, 560.44 feet; Thence, South 30°13'29" East, 101.83 feet; thence, South 12°59'09" East, 69.79 feet; Thence, South 11°43'00" West, 75.13 feet; Thence, South 24°53'57" West, 355.18 feet; Thence, South 33°23'46" West, 58.89 feet; thence, South 41°28'47" West, 418.81 feet; Thence, South 05°40'42" West, 31.05 feet; thence, South 47°08'31" West, 88.52 feet; thence, South 20°18'04" West, 240.57 feet; thence, leaving the West side of the drainage ditch, South 80°31'05" West, 27.78 feet to the Westerly right of way of the County Road; thence, along said road right of way, North 09°28'55" West, 284.96 feet; thence, on a curve to the right having a central angle of 24°07'00", with a radius of 380.74 feet, for a distance of 160.26; thence, North 14°38'05" East, 149.02 feet; thence, on a curve to the left having a central angle of 50°43'30", with a radius of 537.46 feet, for a distance of 475.82 feet; thence South 53°54'35" West, 30.00 feet; thence, North 36°05'25" West, 224.88 feet; thence on a curve to the right having a central angle of 11°15'48", with a radius of 351.97 feet, for a distance of 69.19 feet; thence, North 65°10'23" East, 40.00 feet; thence on a curve to the right having a central angle of 30°47'12", with a radius of 311.97 feet, for a distance of 167.63 feet (chord = North 09°26'01" West, 165.62 feet); thence, North 05°57'35" East, 282.58 feet; thence, North 84°02'25" West, 10.00 feet; thence, on a curve to the right having a central angle of 09°35'36", with a radius of 758.51 feet, for a distance of 127.00 feet (chord = North 10°45'23" East, 126.85 feet); to the TRUE POINT OF BEGINNING.

AND

That part of Unit No. 17 of Drainage District No. 3, according to the plat thereof recorded with the Boundary County Recorder being in Section 36, Township 63 North, Range 1 West, Boise Meridian, Boundary County, Idaho and lying West of the Road know variously as the West Side Road, County Road and Forest Service Road.