

\$425. —

RECEIVED

AUG 27 2013

Department of Water Resources  
Eastern RegionSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## Notice of Change in Water Right Ownership

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?                       |
|-----------------------|-----------------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| 34-13717              | Yes <input checked="" type="checkbox"/> | 34-13717              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 34-13719              | Yes <input checked="" type="checkbox"/> | 34-14416              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 34-13721              | Yes <input checked="" type="checkbox"/> | 34-14417              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 34-13723              | Yes <input checked="" type="checkbox"/> | 34-13721              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 34-7568               | Yes <input type="checkbox"/>            | 34-14418              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       |                                         | 34-13723              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       |                                         | 34-14419              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name: William McKnight  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Greg Schmuck  
Name of each new owner as listed on the conveyance document
- Cathy Schmuck  
New owner continued Name connector ☒ and ☐ or ☐ and/or
- 81 N Shilling Ave.  
Mailing address
- Blackfoot ID 83221  
City State ZIP
- 208-241-8829 sluggcity @ cable-one.net  
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: 5 April 2013
6. 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. Full Chain of title from William McKnight to Schmuck
  - 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.

7. Signature: Gregory P. Schmuck Title, if applicable: \_\_\_\_\_ Date: 27 Aug 2013  
Signature of new owner/claimant
- Signature: Cathy Schmuck Title, if applicable: \_\_\_\_\_ Date: 27 Aug 2013  
Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 8/27/2013 Receipt No. E039036 Receipt Amt. \$425. —  
Approved by [Signature] Processed by hm Date 10/4/2013 SUPPORT DATA

247138

#  
Custer County Req. of

*Alliance Title & Escrow Corp.*

Time *11:44* AM Date *4-5*, 20 *13*

Barbara C. Tierney, Clerk

*Barbara C. Tierney* \$ *13.00*  
Deputy

## WARRANTY DEED

ATEC Order No.: 179914

### FOR VALUE RECEIVED

**Summit National Bank**

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

**Greg Schmuck and Cathy Schmuck, husband and wife**

whose current address is

**81 N. Shilling  
Blackfoot, ID 83221**

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

### Tract 2

A tract of land situated in the Southeast Quarter Southeast Quarter Section 31, Township 7 North, Range 25 East, Boise Meridian, Custer County, Idaho; lying northerly of the upper pass creek cut off road and westerly of Woodbury Road; said tract being more particularly described as follows:

Beginning at an iron rod (C.P. & F Inst. #219229) marking the southeast corner of Section 31, Township 7 North, Range 24 East, Boise Meridian; from which an iron rod marking the south quarter corner of said Section 31 (C.P. & F. Inst. #219227) bears N. 89° 10' 29" W., 2671.47 feet; thence N. 89° 10' 29" W., 730.92 feet on or along the south line of the Southeast Quarter said Section 31 to a set 5/8"X30" rebar with plastic cap (P.L.S. #3577); thence leaving said south line N. 0° 37' 35" W., 508.92 feet to a set 5/8"X30" rebar with plastic cap (P.L.S. #3577); Thence N. 89° 57' 02" E., 732.29 feet to a found 1/2 rebar with plastic (P.L.S. #8252) lying on or along the east line of the Southeast Quarter said Section 31; Thence S. 0° 26' 32" E., 520.06 feet on or along said east line to the point of beginning.

Subject to a county road easement lying on or along the east and south line of above described tract.

Together with a 15 foot irrigation system easement lying southerly of parallel with and adjacent to a line extended S. 89° 57' 02" W., 604.67 feet from the northwest corner of above described tract.

247138

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: 4-5-13

Brian Elkin

Brian Elkin, Vice President

State of Montana  
County of Yellowstone

On this 3<sup>rd</sup> day of April, in the year 2013, before me, Brian Elkin, a Notary Public in and for said state, personally appeared Brian Elkin known to me to be the Vice President of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, he/she executed the foregoing in said Corporation name.

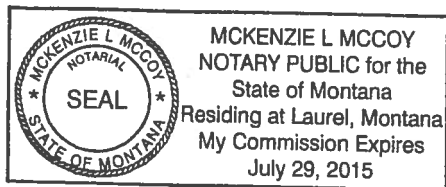
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Mckenzie L McCoy

Notary Public for the State of

Residing at:

Commission Expires:



McKnight → Eikens

Eikens → Summit  
National  
Bank

Summit  
National  
Bank → Greg & Cathy  
Schmuck

~ 8.63 Acres

# Warranty Deed

**For Value Received**

WILLIAM J. MCKNIGHT AND DELONE MCKNIGHT, husband and wife

the grantor S, do hereby grant, bargain, sell and convey unto

TIMOTHY J. EIKENS AND JANE E. EIKENS, husband and wife

whose current address is

PO BOX 398  
MACKAY ID 83251

the grantee S, the following described premises, in CUSTER County Idaho, to wit:

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee S, their heirs and assigns forever. And the said Grantor S do hereby covenant to and with the said Grantee S, that they're the owner S in fee simple of said premises; that they are free from all incumbrances

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

**Dated:** SEPTEMBER 30, 1999

*William J. McKnight*  
WILLIAM J. MCKNIGHT

*Delone McKnight*  
DELONE MCKNIGHT

STATE OF IDAHO, COUNTY OF LEMHI  
On this 30<sup>th</sup> day of SEPTEMBER, 19 99  
before me, a notary public in and for said State, personally appeared

WILLIAM J. MCKNIGHT AND  
DELONE MCKNIGHT

known to me to be the person S whose name S are  
subscribed to the within instrument, and acknowledged to me that  
executed the same.

*Laurie M. Santee*  
LAURIE M. SANTEE Notary Public  
Residing at SALMON, Idaho  
Comm. Expires 6-19-2001

# 219643  
Custer County Reg. of  
*Alliance Title Co.*

Time 1:20 P.M.

10/4/1999  
Ethel M Peck, Clerk

*James J. Santee*  
Deputy  
\$ 6.00

## EXHIBIT "A"

A TRACT OF LAND LYING IN CUSTER COUNTY, STATE OF IDAHO, IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 31, POINT BEING THE POINT OF BEGINNING; THENCE N. 89 DEGREES 10' 29" W., 1335.72 FEET ALONG THE SOUTH LINE OF SECTION 31 TO THE EAST 1/16TH CORNER OF SAID SECTION; THENCE N. 00 DEGREES 37' 44" W. ALONG THE 1/16TH LINE 499.68 FEET; THENCE N. 89 DEGREES 57' 09" E., 1337.07 FEET TO A POINT ON THE EAST LINE OF SECTION 31; THENCE S. 00 DEGREES 26' 28" E. ALONG THE EAST LINE OF SAID SECTION 520.01 FEET TO THE POINT OF BEGINNING.

245227

Custer County Rec. of  
East American Title CoTime 11:30 A M Date 2-16-2012  
Barbara C. Tierney, Clerk  
Dorrell Sharp, \$19.00  
Deputy

ORIGINAL

404760

NON-MERGER DEED IN LIEU OF FORECLOSURE

THIS INDENTURE, made this 23 day of January, 2012, between TIMOTHY J. EIKENS and JANE E. EIKENS, husband and wife, of 4203 North 4100 West, Mackay, Idaho 83251, the ("Grantor") and SUMMIT NATIONAL BANK, organized and existing under the laws of the United States of America, of 133 Main Street, P.O. Box 98, Hulett, Wyoming 82720-0098, the ("Grantee").

WITNESSETH

On or about the 8<sup>th</sup> day of March, 2006, Grantor executed a Promissory Note and Deed of Trust to Grantee, conveying the real property hereafter described to secure the Promissory Note. The Deed of Trust was recorded on March 21, 2006 as Instrument No. 233617, records of Custer County, Idaho. The Promissory Note was modified by way of Modification Agreements on April 17, 2007 as Instrument No. 236427, January 8, 2008, as Instrument No. 238134, October 14, 2008, as Instrument No. 239742, March 19, 2009, December 31, 2009, and again on July 16, 2010. The Deed of Trust was modified on by way of a Modification of Deed of Trust on March 7, 2007, recorded as Instrument No. 236427, records of Custer County, Idaho, and further modified on December 20, 2007, recorded as Instrument No. 238134, records of Custer County, Idaho. The Promissory Note is in default and the Grantor is unable to cure the default and desires to deed the property identified in the Deed of Trust to the Grantee in full satisfaction of the obligation of the Grantor under the Promissory Note and Deed of Trust.

NOW, THEREFORE, Grantor for and in consideration of full satisfaction by Grantee of the obligation represented by the Promissory Note and Deed of Trust identified above, does by these presents, remise, release forever unto Grantee the following described real property:

See attached Exhibit "A" incorporated by reference as if set forth in full.

1 This deed is in absolute conveyance of title and is not intended to be and is not a mortgage,  
 2 trust conveyance, or other form of security. It is expressly provided that no merger shall occur or  
 3 take place between this deed and the Deed of Trust, securing the Promissory Note both of which  
 4 are identified above.

5 It is further expressly intended and provided that the satisfaction of the obligation and  
 6 reconveyance of the Deed of Trust shall be by separate document, receipt of which is hereby  
 7 acknowledged by Grantor.

8 Grantor hereby warrants the premises are free from liens and encumbrances.

9 Grantor shall and will warrant and defend the premises in the quiet and peaceable  
 10 possession of the Grantee, and the successors and assigns of Grantee against all and every claim  
 11 whatsoever.

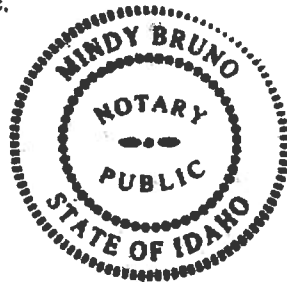
12 IN WITNESS WHEREOF, the Grantor has executed this Non-Merger Deed in Lieu of  
 13 Foreclosure the day and year first above written.

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TIMOTHY J. EIKENS  
 JANE E. EIKENS

STATE OF IDAHO )  
 County of Custer ) ss.

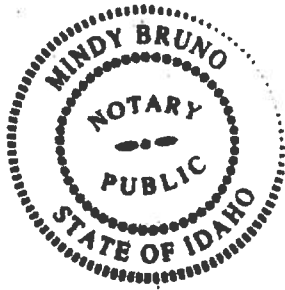
On this 23 day of January, in the year 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared TIMOTHY J. EIKENS, known or identified to me to be the person who executed the said instrument, and acknowledged to me that he executed the same.



Mindy Bruno  
 Notary Public for Idaho  
 Residing at Challis, Idaho  
 My commission expires on 2/9/13

1 STATE OF IDAHO )  
 2 County of Auster ) ss.

3 On this 23 day of January, in the year 2012, before me, the undersigned, a Notary  
 4 Public in and for said State, personally appeared JANE E. EIKENS, known or identified to me to  
 5 be the person who executed the said instrument, and acknowledged to me that she executed the  
 6 same.



Mindy Bruno  
 Notary Public for Idaho  
 Residing at Challis, Id  
 My commission expires on 2/9/13

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP  
 LAWYERS  
 BURLEY, IDAHO

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245227

Exhibit "A"

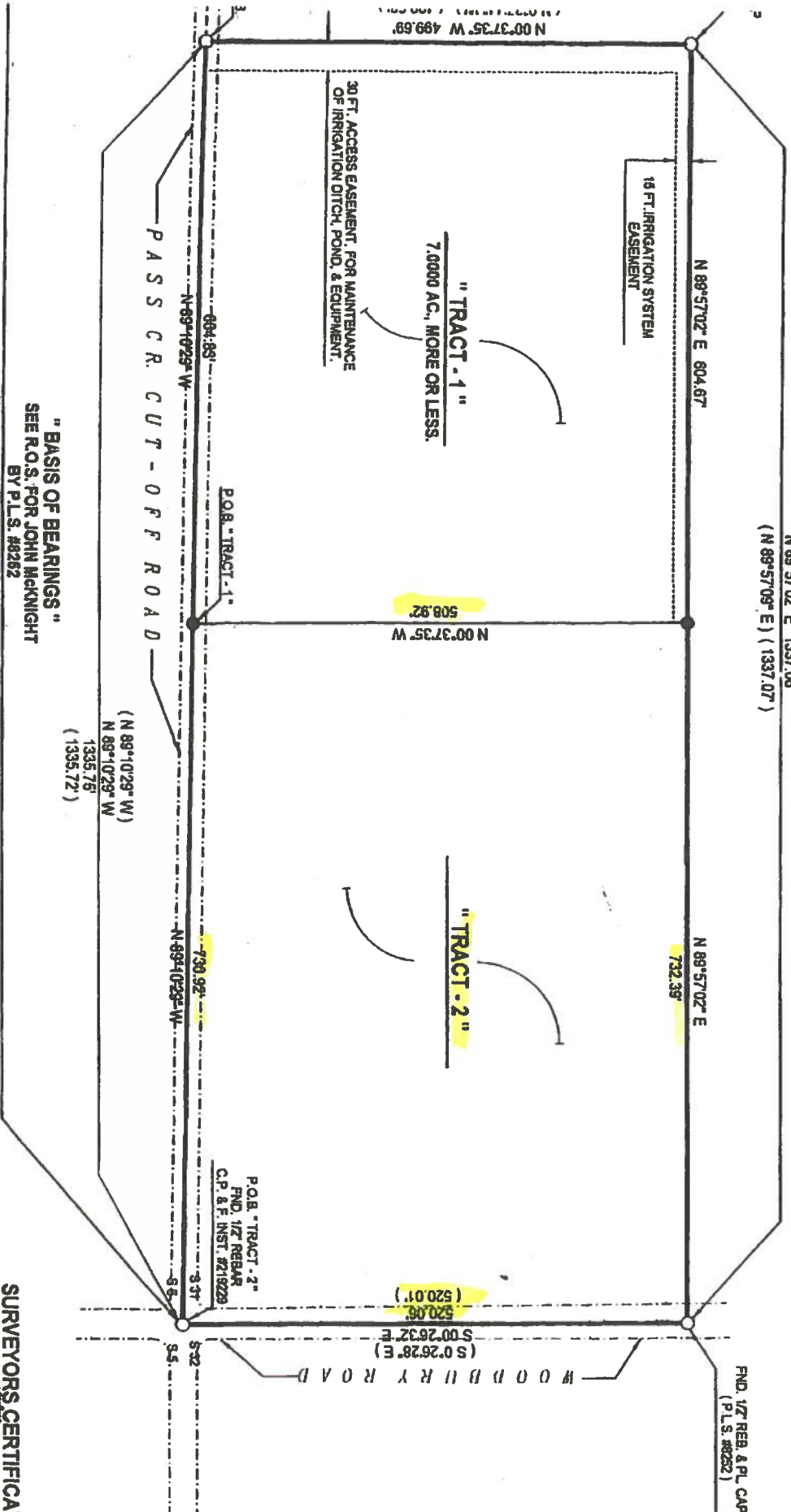
Real property in the County of Custer, State of Idaho, described as follows:

A TRACT OF LAND SITUATED IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 25 E.B.M., CUSTER COUNTY, IDAHO, DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SECTION 31, POINT BEING THE POINT OF BEGINNING; THENCE N. 89° 10'29" W. 1335.72 FEET ALONG THE SOUTH LINE OF SECTION 31 TO THE EAST 1/16TH CORNER OF SAID SECTION; THENCE N. 00°37'44" W. ALONG THE 1/16TH LINE 499.68 FEET; THENCE N. 89°57'09" E. 1337.07 FEET TO A POINT ON THE EAST LINE OF SECTION 31; THENCE S. 00°26'28" E. ALONG THE EAST LINE OF SAID SECTION 520.01 FEET TO THE POINT OF BEGINNING,

EXCEPT: COMMENCING AT AN IRON ROD (C.P. & F. INST. #219229) MARKING THE SE CORNER OF SAID SECTION 31, FROM WHICH AN IRON ROD MARKING THE S $\frac{1}{4}$  CORNER OF SAID SECTION 31 (C.P.&F. INST. #219227) BEARS N. 89°10'29" W. 2671.47 FEET; THENCE N. 89°10'29" W. 730.92 FEET ON OR ALONG THE SOUTH LINE OF THE SE $\frac{1}{4}$  OF SAID SECTION 31 TO A SET 5/8" X 30" REBAR WITH PLASTIC CAP (P.L.S. #3577), THE POINT OF BEGINNING; THENCE CONTINUING ON OR ALONG SAID SOUTH LINE N. 89°10'29" W. 604.89 FEET TO A FOUND  $\frac{1}{2}$ " IRON ROD MARKING THE SW CORNER OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SAID SECTION 31; THENCE LEAVING SAID SOUTH LINE, N. 0°37'35" W. 499.69 FEET ON OR ALONG THE WEST LINE OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$  OF SAID SECTION 31 TO A FOUND  $\frac{1}{2}$ " REBAR WITH PLASTIC CAP (P.L.S. #8252); THENCE LEAVING SAID WEST LINE N. 89°57'02" E. 604.67 FEET TO A SET 5/8" X 30" REBAR WITH PLASTIC CAP (P.L.S. #3577); THENCE S. 0°37'35" E. 508.92 FEET TO THE POINT OF BEGINNING.

# RECORD OF SURVEY

A PORTION OF THE SE 1/4 SECTION 31, T. 7 N., R. 25 E., B.M.,  
CUSTER COUNTY, STATE OF IDAHO



## "TRACT - 2" LEGAL DESCRIPTION

"BASIS OF BEARINGS"  
SEE R.O.S. FOR JOHN MCKNIGHT  
BY P.L.S. #0222

$N 89^{\circ}10'29'' W$  2671.47' (2671.44')

## SURVEYOR'S CERTIFICATE:

I, William B. Erickson, A Certified Surveyor, Registered in the State of Idaho, Do Hereby Certify That This Survey Was Made Under My Supervision, And That This Plat Is An Accurate Representation of the Same.