



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 23, 2013

DON HENDERSON
TIM OZLEY
PO BOX 2397
OROFINO ID 83540

RE: Notice of Change of Water Right Ownership Water Right: 84-7192

Dear Property Owner:

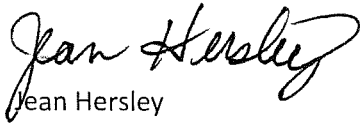
On August 01, 2013, the Department of Water Resources received a request for a Notice of Change in Water right Ownership. After further review, it was determined this water right is not appurtenant to your land.

Water right 84-7192 is appurtenant to land located in Township 36N, Range 02E, Section 13 SWNE and SENW. Your property is located in Township 36N, Range 02E, Section 13, **NESW**. This request will not be processed.

I am returning your paperwork and a refund will be requested and sent to you from the State Controller's Office under separate cover.

Please feel free to contact me at (208) 287-4942 if you have any questions.

Sincerely,


Jean Hersley
Technical Records Specialist II

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
AUG 01 2013
IDWR / NORTH

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?
84-7192	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Samuel P. Harding
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Don Henderson Tim Ozley
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- Mailing address: P.O. Box 2397 City: Orlando State: ID ZIP: 83540
- Telephone: 661-208-1903 Email: Ken Thompson 3787@yahoo.com
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: MAY 7th 2003
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: Don Henderson Title, if applicable: _____ Date: 7-31-13
Signature of new owner/claimant

Signature: Tim Ozley Title, if applicable: _____ Date: 7-31-13
Signature of new owner/claimant

For IDWR Office Use Only:

Received by: [Signature] Date: 8/1/13 Receipt No.: N030042 Receipt Amt.: \$25⁰⁰

Approved by: _____ Processed by: _____ Date: _____

HENDERSON OZLEY

LEGEND

- OWNERSHIP
- ROADS
- SECTION

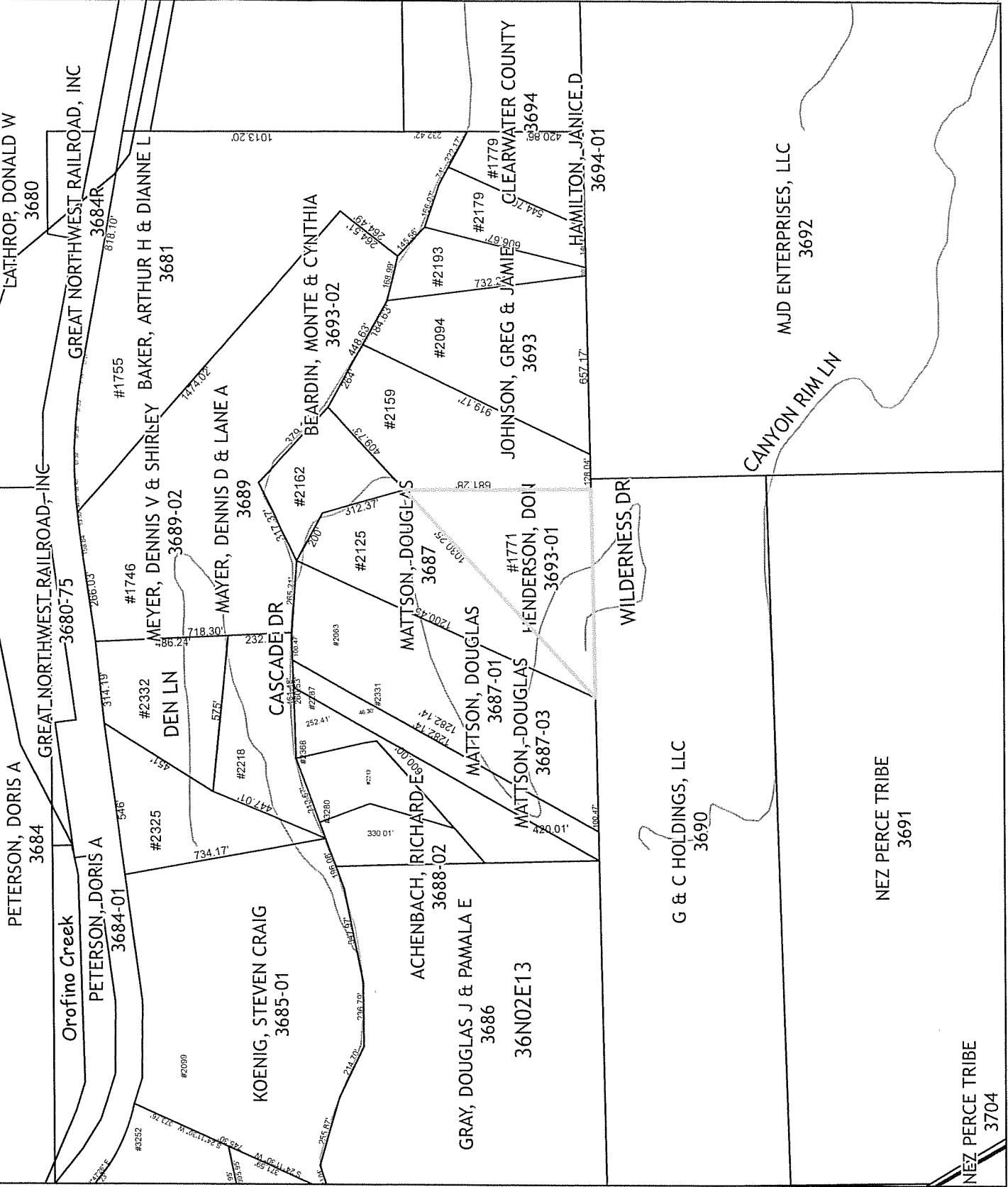


0 250 500
Feet
1 inch = 500 feet



CLEARWATER COUNTY
ASSESSOR'S
REFERENCE ONLY
NOT FOR
LEGAL PURPOSES
NOT RESPONSIBLE FOR
ANY INACCURACIES

7.31.2013
C. STEINER



192438

RECEIVED INDEXED
 FILMED ☐ DELIVERED ☒
 MAILED ☐

Instrument # 192438
 CLEARWATER COUNTY, OROFINO, IDAHO
 2003-05-12 12:10:00 No. of Pages: 2
 Recorded for: CLARK CALLEAR
 ROBIN CHRISTENSEN Fee: 6.00
 Ex-Officio Recorder Deputy Lindy J. J. J.
 RETURN TO: *

WARRANTY DEED

FOR VALUE RECEIVED, CLARK EDMOND CALLEAR and LEEANN CALLEAR, husband and wife, whose address is P.O. Box 843, Orofino, Idaho 83544, the Grantors, do hereby grant, bargain, sell and convey unto DON HENDERSON and TIM OZLEY, single men, whose address is 726 Warner Ave., Lewiston, Idaho 83501, the Grantees, the following described premises situated in the County of Clearwater and State of Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, subject however, to all lawful easements and rights of way appearing on such premises or of record.

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

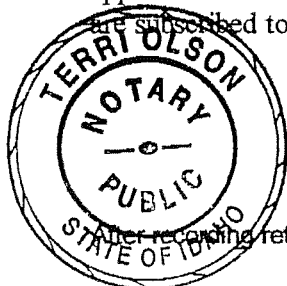
Dated this 7th day of May, 2003.

Clark Edmond Callear
 CLARK EDMOND CALLEAR

LeeAnn Callear
 LEEANN CALLEAR

STATE OF IDAHO, COUNTY OF CLEARWATER, ss.

On this 7th day of May, 2003, before me, a notary public in and for said State, personally appeared Clark Edmond Callear and LeeAnn Callear known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Terri Olson
 Notary Public, Residing in Orofino, Idaho.
 My commission expires: 10-25-05

After recording return to: D. HENDERSON, 726 Warner Ave., Lewiston, ID 83501

EXHIBIT "A"

A tract of land situated in the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 13, T. 36 N., R. 2 E.B.M., Clearwater County, Idaho.

More particularly described as:

Beginning at the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 13; thence S 00°08'36" W 232.42 feet to the centerline of the County Road; thence N 61°12'32" W 222.17 feet along road centerline; thence N 70°48'32" W 166.07 feet along road centerline; thence N 46°35'47" W 145.56 feet along road centerline; thence N 76°34'14" W 168.99 feet along road centerline; thence N 60°35'34" W 448.63 feet along road centerline; thence S 48°01'16" W 409.73 feet to the True Point of Beginning; thence S 00°00'00" 681.28 feet; thence S 89°27'39" W 766.00 feet; thence N 48°01'16" E 1030.25 feet to the True Point of Beginning (containing approximately 6 acres).

AND RESERVING UNTO GRANTOR

TOGETHER WITH permanent easements on existing roads described as "Road #1" and "Road #2" (together with "connecting road") in that certain "Agreement for Easements" recorded on Sept. 6, 1994 as Instrument No. 166910.

TOGETHER WITH and subject to easements and water rights of record or otherwise.

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/14/2013

WATER RIGHT NO. 84-7192

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SAMUEL P HARDING 23833 NE GLISAN WOOD VILLAGE, OR 97060 (503)492-3697

Priority Date: 10/24/1985

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.02 CFS	1.2 AFA
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

SPRINGS|NENESW|Sec. 13|Township 36N|Range 02E|CLEARWATER County

Licensed Diversion Capacity: 0.02

Place(s) of use:

Place of Use Legal Description: DOMESTIC CLEARWATER County

[illegible]

Conditions of Approval:

1. Domestic use is for 2 homes. Domestic use does not include lawn, garden, landscape, or other types of irrigation.
Two points of diversion located in NENESW, S13, T36N, R2E.

Dates:

Licensed Date: 08/23/1996

Decreed Date:

Permit Proof Due Date: 12/1/1995

Permit Proof Made Date: 8/18/1995

Permit Approved Date: 12/5/1990

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 10/24/1985

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

Close



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 17, 1990

Mr. Dale O. Cox
Attorney at Law
P. O. Box 666
Orofino, Id. 83544

Re: 84-7192 - Samuel P. Harding

Dear Mr. Cox:

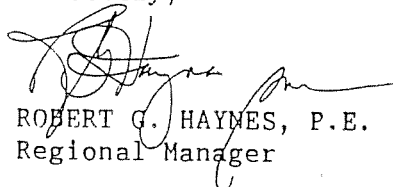
We acknowledge receipt of the agreement between the Stantons and the Hardings as well as the Stantons' withdrawal of their protest to the above-referenced water right application.

This application for permit was to be forwarded to our State Office in Boise for further processing. However, during a final review of the file, a mistake was discovered in the legal description for the place of use necessitating re-publication in the Clearwater Tribune. This re-advertising will have no effect on the original determination rendered by the Department.

The new advertising dates will be August 2 and 9, 1990. The application will be held for ten days passed the last date of publication. Then, our region will do a final review of the file and if everything is in order, we will forward it to our state office for their further processing. Mr. Harding should be receiving the permit directly from the state office approximately 45 days after it sent there from the region.

If you have any questions, please contact this office.

Sincerely,


ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

✓ c: Mr. and Mrs. Samuel Harding





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 6, 1990

SAMUEL P. HARDING
14525 N.E. SHAVER ST.
PORTLAND, OR 97230

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-07192

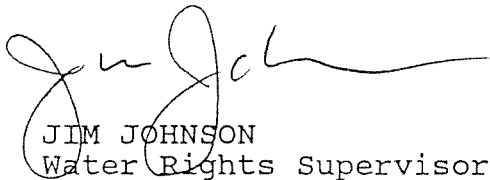
Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Please be advised that your application for permit has been approved because we no longer wait for approval from the Federal Energy Regulatory Commission (FERC) or the Idaho Public Utilities Commission (PUC) when the flow is less than 25 cfs and the power to be generated is less than 500 HP. However, you may still need to obtain approval from FERC and/or PUC.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:blm

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 84-07192

Proposed Priority: October 24, 1985 Maximum Diversion Rate: 0.03 CFS

This is to certify, that **SAMUEL P. HARDING**
14525 N.E. SHAVER ST.
PORTLAND, OR 97230

has applied for a permit to appropriate water from:

SPRING tributary of SINKS

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.03 CFS
POWER	01/01 to 12/31	0.03 CFS
DOMESTIC	01/01 to 12/31	0.03 CFS
Totals		0.03 CFS

LOCATION OF POINT(S) OF DIVERSION: NESW Sec. 13, Township 36N, Range 02E
CLEARWATER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

36N 02E 13 SENW

PLACE OF USE: POWER

TWN RGE SEC

36N 02E 13 NESW

PLACE OF USE: DOMESTIC

TWN RGE SEC

36N 02E 13 SWNE SENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1993**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 84-07192

CONDITIONS/REMARKS:

4. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
5. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
7. Use of water under this permit may be affected by an agreement between the protestant and the applicant.
8. Domestic use is for 2 homes.
9. Stockwater use is for 5 cattle.
10. Power use is for 5 KW under 300 ft. of head.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

5th day of December, 19 90

For R. Keith Higginson
R. Keith Higginson, Director

Idaho Department of Water Resources Receipt

Receipt ID: N030042

Payment Amount \$25.00 Date Received 8/1/2013 1:02 PM Region NORTHERN
Payment Type Money Order Check Number 26849
Payer HENDERSON, DON
Comments OWNER CHANGE 84-7192

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	65140	0229	21		1155



Signature Line (Department Representative)