

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 18 2013

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?
98-09230	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: David E. Nickolauson
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Wendell L. Brophy + Nettie Brophy
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

94 Spruce Rd
Mailing address

Bonniers Ferry
City

ID 83805
State ZIP

208-267-6299
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: 9-4-12

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.
- 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: Wendell L. Brophy Wendell L. Brophy 3-13-13
Signature of new owner/claimant Title, if applicable Date

Signature: Nettie Brophy Nettie Brophy 3-13-13
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by HP Date 3-18-13 Receipt No. C096728 Receipt Amt. 25.00

Approved by _____ Processed by John Date 3-22-13



Community Title, LLC

254979

WARRANTY DEED

Certified to be a true and exact
copy of the signed original.
Community Title of Boundary County

Escrow No.: 21214-JF

FOR VALUE RECEIVED

Thomas Kitchen and Laura Kitchen, Husband and Wife

the grantors, do hereby grant, bargain, sell and convey unto

Wendell L. Brophy and Nettie M. Brophy, Husband and Wife, as community property, with right of survivorship

whose current address is 94 Spruce Road, Bonners Ferry, ID 83805

the grantees, the following described premises, in Boundary County, Idaho, TO WIT:

Parcel I

All that part of the Southeast Quarter of the Northwest Quarter of Section 6, Township 61 North, Range 2 East, Boise Meridian, Boundary County, Idaho, that lies North of the Parker Canyon Road (as it existed April 1, 1992) and West of the County Road described in the deed from CJ Nickolauson to AE Nicholauson, which was recorded October 26, 1951, in Book 28 of Deeds at Page 389, records of Boundary County, Idaho, known as Turkey Hollow Road.

LESS AND EXCEPTING THEREFROM the North 217.5 feet thereof (with the North and South boundaries being parallel and 217.5 feet apart).

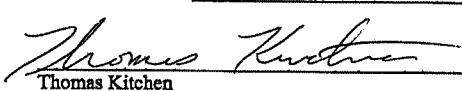
Parcel II

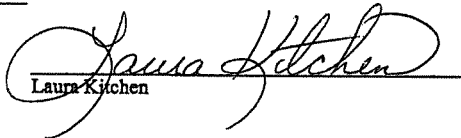
The North 217.5 feet (with the North and South boundaries being parallel and 217.5 feet apart) of that portion of the Southeast Quarter of the Northwest Quarter of Section 6, Township 61 North, Range 2 East, Boise Meridian, Boundary County, Idaho, that lies North of the Parker Canyon Road (as it existed April 1, 1992) and West of the County Road described in the deed from CJ Nickolauson to AE Nicholauson, which was recorded October 26, 1951, in Book 28 of Deeds at Page 389, records of Boundary County, Idaho, known as Turkey Hollow Road.

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 Grantees, that they are the owners 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 they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 5, 2012


Thomas Kitchen


Laura Kitchen

STATE OF IDAHO }
County of Boundary } SS.

Filed by: Community Title
on 9-5-12 at 3:35
Glenda Poston
County Recorder C Peterson
By Deputy

Fee \$ 13.00 chg
Mail to CT

254979

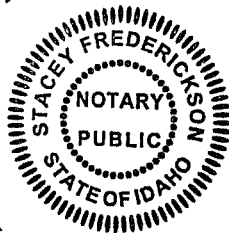
STATE OF IDAHO }
COUNTY OF BOUNDARY } SS.

On this 5th day of September, 2012 before me, a Notary Public in and for said state,
personally appeared Thomas Kitchen and Laura Kitchen
known or identified to me to be the persons whose names are subscribed to the within 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.

Stacey Frederickson
Notary Public for the State of Idaho

Residing at: BOUNDARY COUNTY
Commission Expires: 08/08/2014



SCHEDULE A
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Name and Address of Title Insurance Company:

Community Title, LLC
P.O. Box 1902, 6607 Main St.
Bonnors Ferry, ID 83805

File No: **21214-JF**

Policy No.: **OX 590369**

Address Reference: **RP61N02E064351A & RP61N02E064355A, Bonnors Ferry, ID 83805**

Amount of Insurance: **\$65,000.00**

Premium: **\$482.50**

Premium Reflects Re-issue Credit ☐

Date of Policy:

September 5, 2012 at 3:35PM

1. Name of Insured:

Wendell L. Brophy and Nettie M. Brophy

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title is vested in:

Wendell L. Brophy and Nettie M. Brophy, Husband and Wife, as community property, with right of survivorship

4. The land referred to in this policy is described as follows:

Parcel I

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American Land Title Association

Owner's Policy
Adopted 6/17/06

Community Title, LLC

By: _____
Carolyn Carlson, Authorized Officer of Agent

File No. **21214-JF** Policy No. **OX 590369**

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

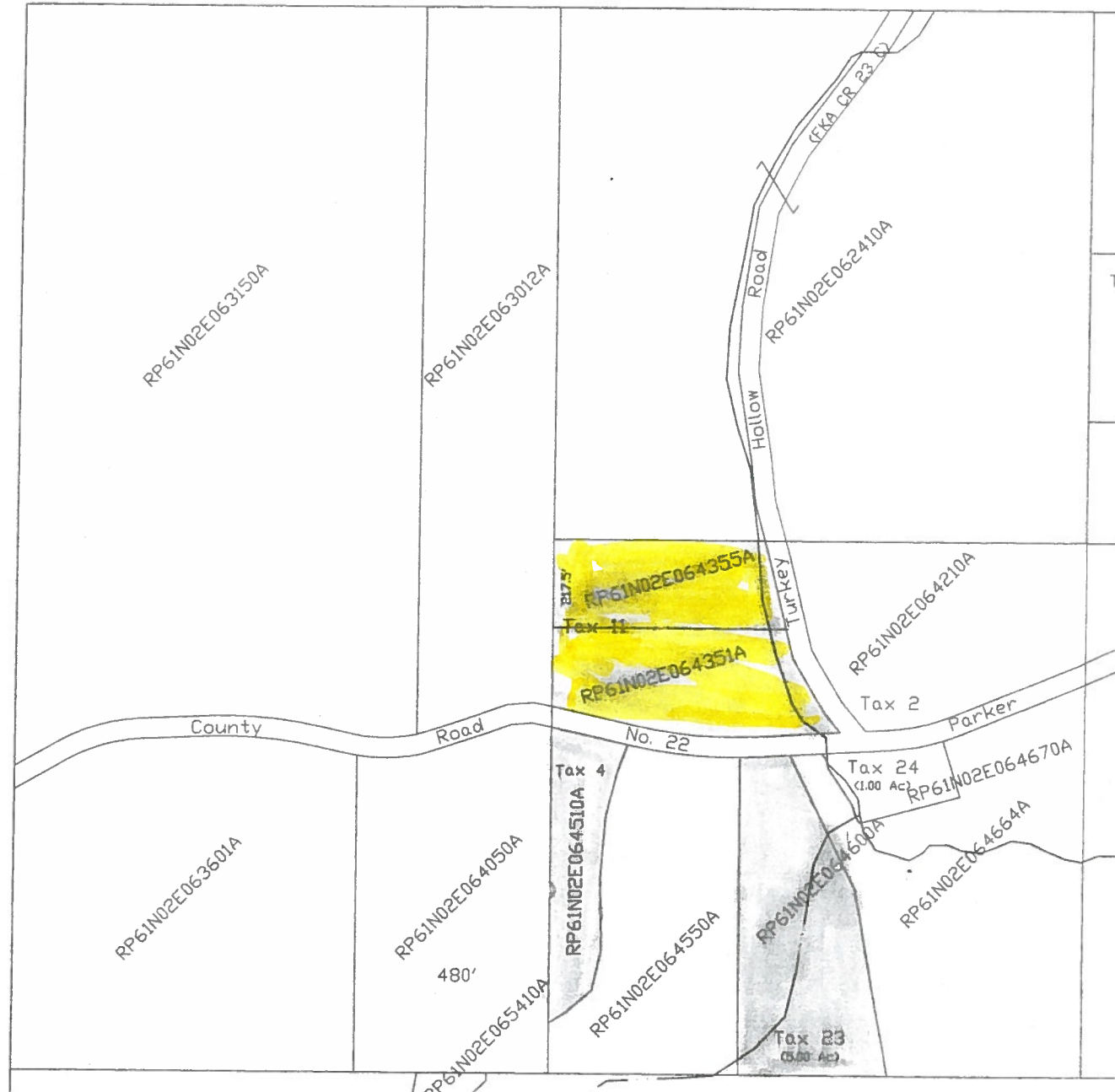
1. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency, which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or the public record.
3. Any facts, rights, interest or claims, which are not shown by the public records, but which could be ascertained by an inspection of said land or by making inquiry of persons in possession, or claiming to be in possession thereof.
4. Easements, liens, encumbrances, or claims of easements, liens or encumbrances, which are not shown by the public records.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts, which a correct survey would disclose, and which are not shown by the public records.
6. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof; Indian treaty or aboriginal rights, including but not limited to, easements or equitable servitudes, water rights, or claims or title to water.
7. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
8. Any service, installation, connection, maintenance, or construction charges for sewer, water, electricity or garbage.
9. GENERAL TAXES FOR THE YEAR 2012, A LIEN IN THE PROCESS OF ASSESSMENT, NOT YET DUE OR PAYABLE.
10. ASSESSMENTS FOR CABINET MOUNTAIN WATER, IF ANY, WHICH ARE EXCLUDED FROM THE COVERAGE AFFORDED HEREBY.

11. EASEMENT, TERMS AND CONDITIONS CONTAINED THEREIN:

RECORDED:	JUNE 15, 1917
INSTRUMENT NO.:	2340
IN FAVOR OF:	COUNTY OF BOUNDARY
FOR:	RIGHT OF WAY DEED
AFFECTS:	SUBJECT PROPERTY

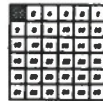
12. EASEMENT AND CONDITIONS CONTAINED THEREIN:
RECORDED: JUNE 6, 1976
INSTRUMENT NO.: 121478
IN FAVOR OF: GENERAL TELEPHONE COMPANY OF THE NORTHWEST, INC., A
CORPORATION
PURPOSE: PERPETUAL RIGHT OF WAY AND EASEMENTS OVER, UNDER, ABOVE
AND ACROSS TOGETHER WITH THE RIGHT TO INSTALL, INSPECT AND MAINTAIN ALL OF THE
FACILITIES NECESSARY TO PROVIDE COMMUNICATION SERVICE, POWER SERVICE AND
OTHER RELATED SERVICES
AFFECTS: SUBJECT PROPERTY
13. TERMS AND PROVISIONS OF THAT PARTICULAR EASEMENT AS DISCLOSED BY INSTRUMENT
NO. 192443, RECORDED JANUARY 21, 1999, RECORDS OF BOUNDARY COUNTY, IDAHO.
14. EASEMENT, TERMS AND CONDITIONS CONTAINED THEREIN:
RECORDED: JANUARY 21, 1999
INSTRUMENT NO.: 192442
FOR: EASEMENT FOR INGRESS, EGRESS AND UTILITIES
AFFECTS: SUBJECT PROPERTY

END OF SCHEDULE B



SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.



Assessor's Parcel Map
BOUNDARY COUNTY
IDAHO

REVISIONS

DATE	REVISION	FILE

DATE FILED 08/08/08 08-10-08
APPROVED FILED 08/08/08 08-10-08
COURT FILED 08/08/08 08-10-08

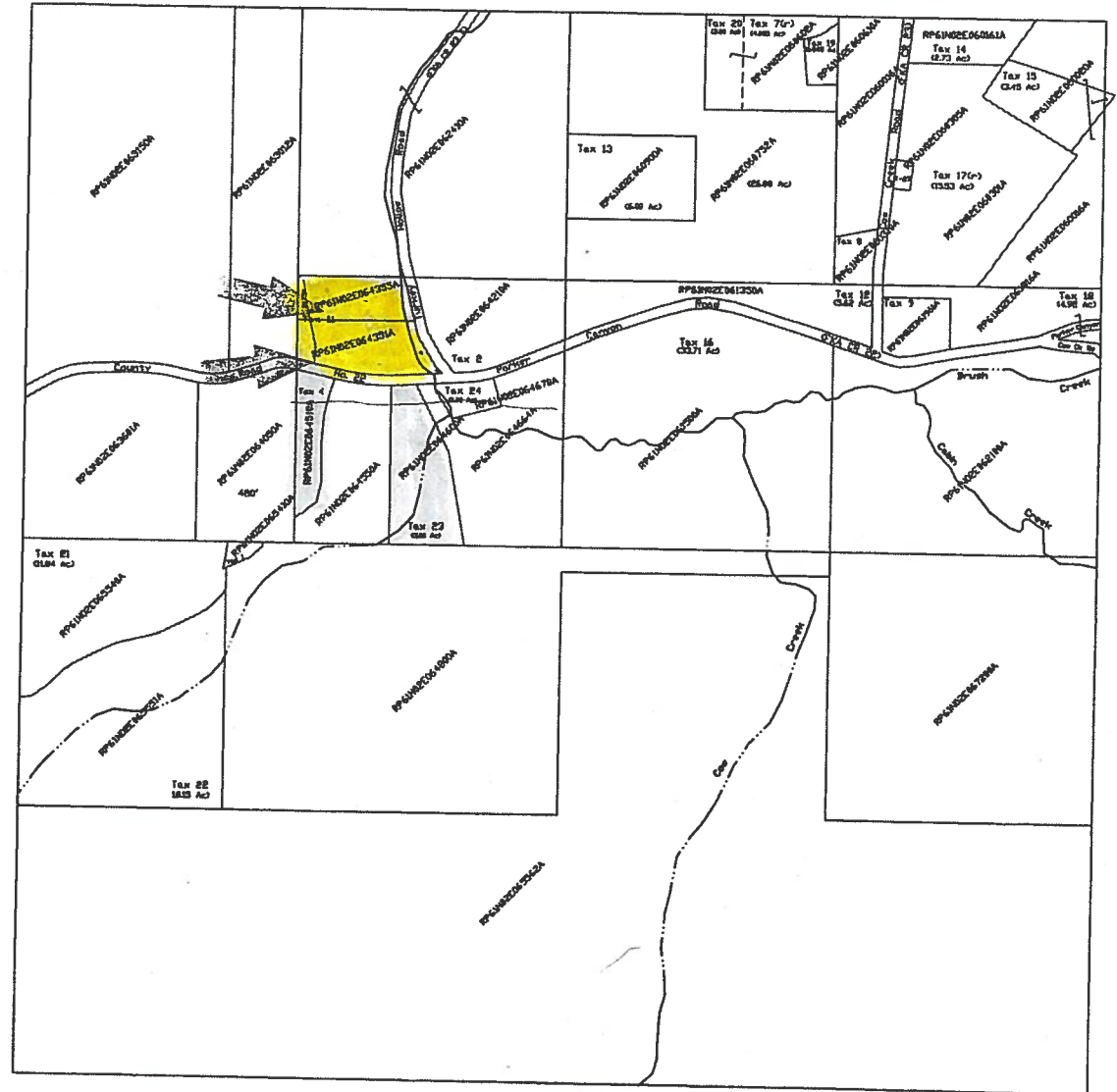
NOTES:

All boundaries are plotted from the Bureau of Land Management's 1:250,000 scale map, which is the official source of the land survey system. PLATS are a digital format.
Features such as ditches, roads, rivers, lakes, creeks, etc., are shown as they appear on the map. They are not shown as they are in the field. Information is not available.
Boundary points are plotted from the best available information of records and considered to be the official boundary points.

Records of Survey used

1/24/08 1/24/08

Sec. 6, Twp. 61 N., R. 2 E., B.M.



SCALE: 1 INCH = 400 FEET

FILED: 08/08/08

Sec. 6, Twp. 61 N., R. 2 E., B.M.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07230

Priority: November 22, 1977 Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume:¹ 15.0 AF

This is to certify, that DAVID E. NICKOLAUSON
16023 E. 4TH ST.
VERADALE, WA 99037

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated November 22, 1977; and
has submitted Proof of Beneficial Use on October 4, 1982. An examination indicates
that the works have a diversion capacity of .100 cfs of water from:

COW CREEK tributary to KOOTENAI RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.10 CFS	15.0 AF

LOCATION OF POINT(S) OF DIVERSION: SENW, Sec. 6, Township 61N, Range 02E
BOUNDARY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
61N	02E	6	SENW	5		5

Total number of acres irrigated: 5

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of AUGUST, 1989.

RECORDED

Acting for

R. Keith Higginson, Director

SEP 20 1989

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that David E. Nickolauson, 15324 E. Valley Way, Veradale, Wash. 99037 has on November 22, 1977 submitted Application No. 98-7230 for a permit to appropriate 0.12 cubic feet per second of water from Cow Creek by means of pump and sprinkler system within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T61N, R2E B.M. Boundary County to be used from Jan. 1 to Dec. 31 (0.02 cfs) for stockwater and from March 15 to November 15 (0.10 cfs) for irrigation of 5 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T61N, R2E.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before December 19, 1977.

C. STEPHEN ALLRED
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on December 1 and December 8, 1977.idwr

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. H. Chubb being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Application #98-7230

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Dec. 1, 19 77, and ending with the issue dated Dec. 8, 19 77.

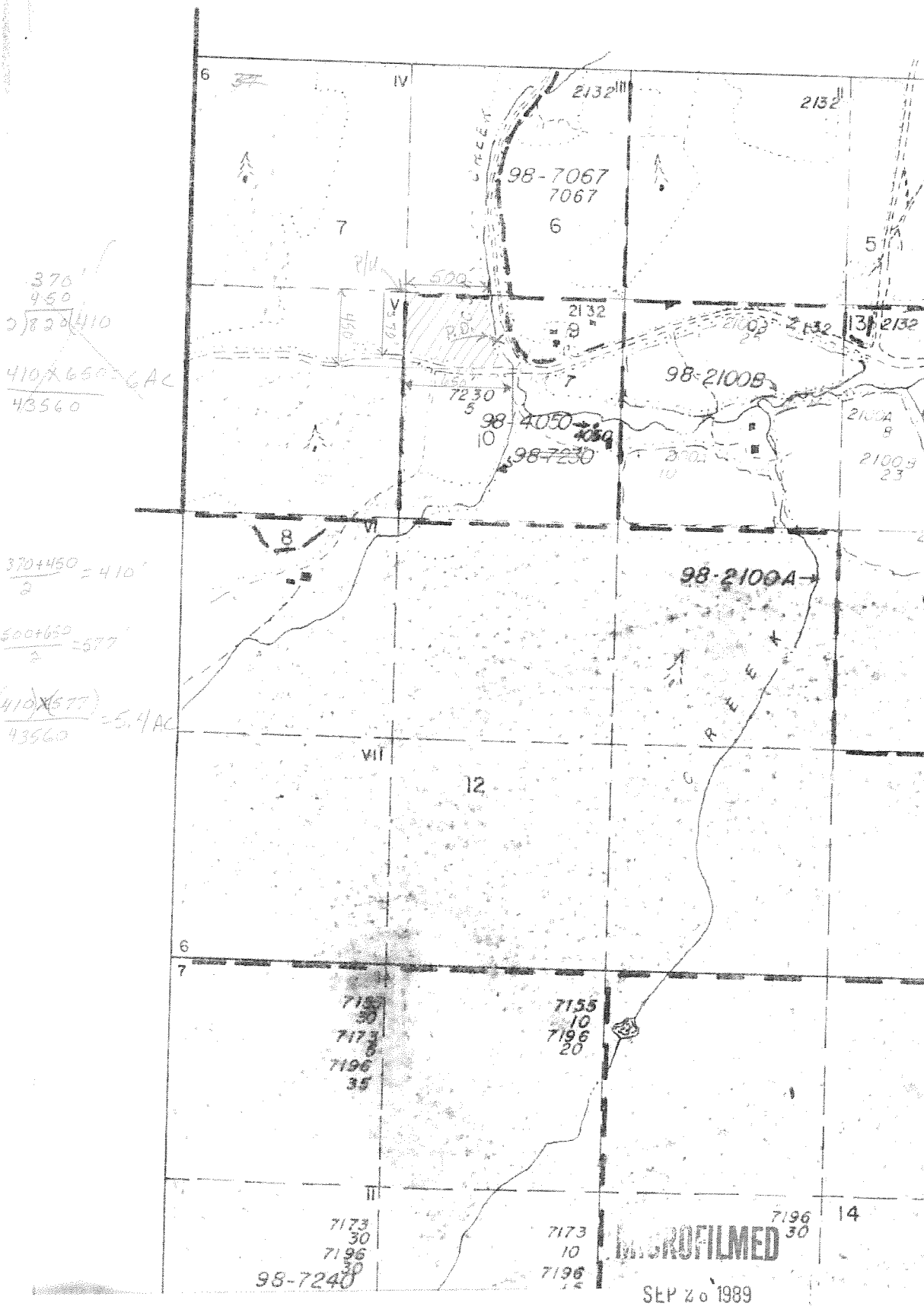
OK
12-19-77
Subscribed and sworn to before me this 14 day of Dec., 19 77

Keith Allred
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.



MICROFILMED

SEP 20 1989



TWP. 61N RGE. 2E SEC. 6 MAP # Admission MAP SCALE 1" = 660'
 DATE OF FIELD EXAM 8/22/84 FIELD REPORT MAP PERMIT # 98-7230

98-7230



1:50,000
G.S. 1147
1963

ROAD CLASSIFICATION
Primary
Medium duty
Light duty
Unimproved dirt
U.S. Route

MICROFILMED

SEP 28 1983

BONNERS FERRY, IDAHO
NARS 114 - W1168575
1966

WASH. D.C. 20242
FILE ON REQUEST