

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07445

Priority: February 13, 1990

Maximum Diversion Rate: 0.19 CFS

It is hereby certified that JEAN S THURMOND AND LESLIE E THURMOND
PO BOX 262
VICTOR ID 83455 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated December 06, 1989; and has submitted Proof of
Beneficial Use on May 04, 1998. An examination indicates that water has been diverted from:

SOURCE

CHALLIS CREEK

Tributary: SALMON RIVER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
0.19 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHALLIS CREEK L2 (NW1/4SW1/4NW1/4) Sec. 7, Twp 14N, Rge 19E, B.M.
CUSTER County
CHALLIS CREEK SE1/4SW1/4SE1/4 Sec. 17, Twp 14N, Rge 19E, B.M.
CUSTER County (Rediversion)

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	17																9.3	9.3

Total Acres: 9.3

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 15th day of January, 2013.

For



GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 16, 2013

JEAN S THURMOND
LESLIE E THURMOND
PO BOX 262
VICTOR ID 83455

RE: License No. 72-7445

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

Allen Merritt
Southern Region Manager

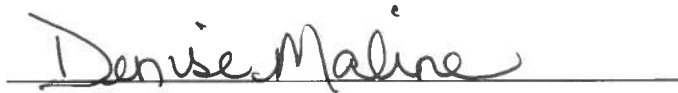
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 72-7445

**JEAN S THURMOND
LESLIE E THURMOND
PO BOX 262
VICTOR ID 83455**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 01 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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?
72-7445	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Leslie E. Thurmond

Name of each new owner as listed on the conveyance document

Jean S. Thurmond

New owner continued ☐ and ☐ or ☐ and/or

P.O. Box 262

Mailing address

Victor

City

Idaho

State

83455

ZIP

208-787-2569

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: _____

6. This form must be signed and submitted with the following **REQUIRED** items:

- 4 • 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.
no • 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).
4 • Filing fee (see instructions for further explanation):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o No fee is required for pending adjudication claims.

4 7. Signature: Leslie E. Thurmond

Signature of new owner/claimant

Title, if applicable

9-26-12
Date

Signature: Jean S. Thurmond

Signature of new owner/claimant

Title, if applicable

9-26-12
Date

For IDWR Office Use Only:

Received by dm

Date 10-1-2012

Receipt No. 3032827

Receipt Amt. \$25-

Approved by _____

Processed by _____

Date _____

239969

WARRANTY DEED

For Value Received DAVID W. MUIR AND CLAREEN G. MUIR, the Grantors, do hereby grant, bargain, sell and convey unto LESLIE E. THURMOND AND JEAN S. THURMOND, Trustees of the LESLIE E. AND JEAN S. THURMOND FAMILY TRUST, dated January 4, 2006, the Grantees, whose current address is P.O. Box 262, Victor, ID 83455, the following described premises, in Custer County, Idaho, to-wit:

A parcel of land located in the S¹/₂ of Section 17, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the S¹/₄ corner of said Section 17 from which the Southeast Corner of said Section bears North 89°05'26" East, a distance of 2643.51 feet, the Basis of Bearing of this description, run thence North 00°08'50" West, a distance of 312.33 feet to the Point of Beginning.

Thence South 88°58'47" West, a distance of 1329.85 feet;
 Thence North 00°00'10" West, a distance of 1009.64 feet;
 Thence North 89°03'37" East, a distance of 665.14 feet;
 Thence South 00°58'32" East, a distance of 335.45 feet;
 Thence North 89°01'30" East, a distance of 658.42 feet;
 Thence South 00°03'04" East, a distance of 161.79 feet;
 Thence North 89°00'10" East, a distance of 239.26 feet;
 Thence South 00°11'55" West, a distance of 150.06 feet;
 Thence North 89°39'11" West, a distance of 238.58 feet;
 Thence South 00°03'04" East, a distance of 366.42 feet, to the Point of Beginning.

Together with an easement for ingress and egress as shown on Record of Survey Plat to be recorded in the Custer County Courthouse.

As shown by the record of Survey filed March 1, 2007, as instrument No. 236105, records of Custer County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting therefrom all covenants, conditions and restrictions of record and all easements of right and of record as recorded in the records of Custer County, Idaho and that they will warrant and defend the same from all lawful claims whatsoever.

Dated This 22nd day of November, 2008.

David W. Muir
 DAVID W. MUIR

Clareen G. Muir
 CLAREEN G. MUIR

STATE OF IDAHO)

County of Ada)

On this 22nd day of November, 2008, before me, a Notary Public, personally appeared David W. Muir and Clareen G. Muir, 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.

Susan M. Manweller
 Notary Public for

Residing at Boise, ID
 Commission Expires 4/19/2014

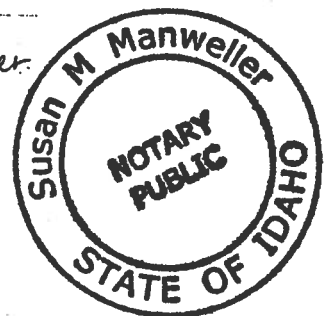
STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of CCT at 24 minutes past 3:00 o'clock P.M. this 4th day of December, 2008, in my office.

Barbara C. Breedlove
 Ex-Officio Recorder

By K. Crisp
 Deputy

Fee: \$ 6.00



STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instrument was filed for
record at the request of _____
at _____ minutes past _____
o'clock _____ M., this _____ day of _____.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Felmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2012

LES THURMOND
PO BOX 262
VICTOR ID 83455

RE: Permit 72-7445 (Property in Challis)

Dear Mr. Thurmond,

As I mentioned in my telephone message, I am sending you an water right ownership change form for the 26-acre parcel you now own in Challis, Idaho. As I mentioned, there was an old Permit for irrigation on the property which was filed by the previous owners. We have completed our field exam and have determined that we can recognize approximately 9.3 acres as having been developed for irrigation from Challis Creek in 1998, when they filed their proof of beneficial use. We can issue the License directly to you if you submit the completed form, a copy of the warranty deed and the filing fee of \$25.00.

Please feel free to give me a call at the office if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent