



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

September 23, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

NATALIE A DELAROSA
WALKER HEYE & MEEHAN
1333 COLUMBIA PARK TRAIL STE 220
RICHLAND WA 99352

RE: Notice of Change of Water Right Ownership for Water Right 82-10116

Dear Ms. DeLaRosa:

On September 22, 2011, the Department of Water Resources received the Notice of Change in Water Right Ownership which was submitted by your office on behalf of Michael and Gina Wallace.

Schedule A of the Statutory Warranty Deed describes the location of the property as a tract of land located in Government Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), and the place of use described on the partial decree is the NE $\frac{1}{4}$ NW $\frac{1}{4}$. I have enclosed a copy of the partial decree for your convenience.

If you believe that the Snake River Basin Adjudication (SRBA) Court issued the partial decree with an error in the description of the place of use, Mr. & Mrs. Wallace can pursue one of the following options:

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Since the deed submitted does not match the place of use for this water right, I am returning the notice of change in water right ownership and have requested that a refund of \$25 be mailed to you.

If you have any questions regarding this matter, please call me at 208-287-4952. Questions regarding filing a motion with the SRBA Court can be directed to Craig Saxton at 208-287-4916.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 22 2011

Notice of Change in Water Right Ownership

DEPARTMENT OF
WATER RESOURCES

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?
82-10116	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Frederick Rutt, Jr. and Mable M. Rutt
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Michael W. Wallace and Gina M. Wallace
Name of each new owner as listed on the conveyance document

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

2411 W. 41st Ave.

Mailing address

Kennewick

WA

99337

City

State

ZIP

509-586-1819

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: September 14, 2011

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: Michael W. Wallace owner 9/14/2011
Signature of new owner/claimant Title, if applicable Date

Signature: Gina M. Wallace Owner 09/14/2011
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by SRF Date 9/22/2011 Receipt No. 0094005 Receipt Amt. \$25 -

Approved by _____ Processed by _____ Date _____

RETURN TO:

WALKER HEYE & MEEHAN, PLLC
1333 COLUMBIA PARK TRAIL, STE 220
RICHLAND, WA 99352

STATUTORY WARRANTY DEED

THE GRANTOR, MABLE M. RUTT, for good and valuable consideration, in hand paid, conveys and warrants to MICHAEL W. WALLACE and GINA M. WALLACE, husband and wife, the following described real estate (the Property), situated in the County of Idaho, State of Idaho:

See attached Schedule A

Tax Parcel No. RP29N08E263460 A

SUBJECT TO:

1. Taxes, irrigation district assessments, weed control assessments, drainage district assessments, and special assessments, if any, levied and assessed after the date of this deed.
2. Liability for all future special and general levies and assessments which are not now due or payable.

DATED this 14th day of September, 2011

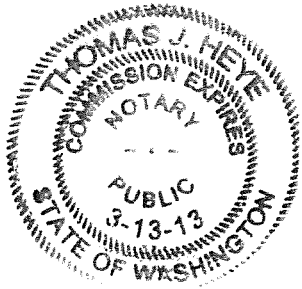
GRANTOR

Mable M. Rutt

STATE OF WASHINGTON)
) ss.
County of Benton)

On this day, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared MABLE M. RUTT to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Thomas J. Heye
NOTARY PUBLIC in and for the State of
Washington, residing at Richland
My commission expires: 3/13/13

**SCHEDULE A CONTINUED
PROPERTY DESCRIPTION**

The land referred to in this Commitment is described as follows:

Township 29 North, Range 8 East, Boise Meridian, Idaho County, Idaho,
Section 26: A tract of land located in Government Lot 4, described as follows:
BEGINNING at a stone set at the Northeast corner of Lot 16, Block 44 of Hye Addition (Vacated) to the Town of
Elk City, being 788 feet South and 592 feet East of the Northwest corner of said Section 26;
Thence East 562 feet along the South line of Idaho Street to a stone set on the West line of Homestake Placer;
Thence South 225 feet along said West line of Homestake Placer;
Thence West 562 feet to a point;
Thence North 225 feet to the PLACE OF BEGINNING.

LESS

A tract of land described as follows:
BEGINNING at a point 788 feet South and 592 feet East of the Northwest corner of Section 26, said Township
and Range;
Thence East 478 feet to a half inch pipe, 2 feet long driven in the ground as Corner No. 2;
Thence South 73° 27' West, 495.64 feet to Corner No. 3, a half inch pipe, 2 feet long driven in the ground;
Thence North 142 feet to the PLACE OF BEGINNING.