



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

August 19, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CLARK EDMOND CALLEAR
LEEANN CALLEAR
4401-A CAVENDISH GRADE
AHSAHKA ID 83520

RE: Notice of Change in Water Right Ownership for Water Right 86-10118

Dear Mr. & Mrs. Callear:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right with a place of use different than your property as described in the documentation you originally submitted.

The deeds submitted with your notice indicate that the property conveyed is in Govt. Lot 4 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 33, T37N, R1E and the partial decree indicates that the place of use is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T37N, R1E. I am returning your notice and have requested that a refund of \$25 be mailed to you.

If you believe that the SRBA Court issued the partial decree with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 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.

If you have questions about this process, you can call Craig Saxton at 208-287-4916. The Notice of Claim to a Water Right and Motion to File a Late Notice of Claim forms are available on the Department's website at www.idwr.idaho.gov.

Please feel free to call me at 208-287-4952 if you have any questions regarding this matter.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
86-10118		n/a			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Alice Lacock & Luther T. Lacock
4401 Cavendish Grade
Ahsahka, ID 83520

4. New Owner/Claimant(s)

Clark Edmond Callear & LeeAnn Callear
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

4401-A Cavendish Grade

City, State and ZIP Code

Ahsahka, ID 83520

New Telephone Number

(208) 476-3186 Email: clark@callear.org

5. Date you acquired the property

Feb 22, 1996 & May 28, 1996

See 2 attached
Warranty Deeds.

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Clark Edmond Callan
Lee Ann Callan

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Received by VW

Processed by _____ AJ

Date 10/19/09Date 10/19/09

Date _____

Receipt Amt. 25.00Receipt No. 0089471

WR _____ Date _____

RECEIVED 172124

OCT 19 2009

DEPARTMENT OF
WATER RESOURCES

WARRANTY DEED

RECEPTION ☒
INDEXED ☒
FILMED ☒
DELIVERED ☒
MAILED ☒

FOR VALUE RECEIVED, LUTHER T. LACOCK, a married man dealing with his sole and separate property, of 4401 Cavendish Grade Road, Ahsahka Idaho,

the grantor, do eshereby grant, bargain, sell and convey unto CLARK EDMOND CALLEAR and LEEANN CALLEAR, husband and wife, of P.O. Box 843, Orofino, Idaho,

the grantees, the following described premises, in Clearwater County, Idaho, to-wit:

The Easterly 556 feet of Government Lot 4, Sec. 33, T. 37 N., R. 1 E.B.M.

EXCEPTING that portion of said premises heretofore deeded to the State of Idaho for highway purposes.

ALSO EXCEPTING that portion of said premises heretofore deeded to Clark and LeeAnn Callear as Instrument No. 171334 on 2-22-96.

TOGETHER WITH all existing water rights pertaining to said premises as of record or otherwise.

SUBJECT TO easements 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 Grantor does hereby covenant to and with the said Grantee s, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawfull claims whatsoever.

Dated: May 28, 1996

Luther T. Lacock
LUTHER T. LACOCK

STATE OF IDAHO, COUNTY OF Clearwater ss.
On this 28th day of May, 1996, before me, a notary public in and for said State, personally appeared LUTHER T. LACOCK

known to me to be the person whose name IS subscribed to the within instrument, and acknowledge to me that HE executed the same.

Notary Public

Residing at Orofino Idaho.
My commission expires 08-16-2000

STATE OF IDAHO, COUNTY OF Clearwater ss.
I Hereby Certify that this Instrument was filed for record at the request of Clark Callear at 45 minutes past 9:00 o'clock A.M., this 28th day of May, 1996. In my office, and duly recorded in Book of Deeds at Page

Robin Christensen
Ex-officio Recorder

By Carrie Bird
Deputy

Fees \$ 3.00

Mail to C.E. Callear, POB 843, Orofino, ID

INSTRUMENT NO.

RECEIVED

OCT 19 2009

171304

FILMED

DEPARTMENT OF
WATER RESOURCES

WARRANTY DEED

 RECEPTION (4)
 INDEXED (4)
 FILMED (4)
 DELIVERED (4)
 MAILED (4)

FOR VALUE RECEIVED, MARK D. LACOCK and BEVERLY LACOCK,
 husband and wife, of 4403 Cavendish Grade, Ahsahka, Idaho,

the grantor s , do hereby grant, bargain, sell and convey unto CLARK EDMOND
 CALLEAR and LEEANN CALLEAR, husband and wife, of P.O. Box 843,
 Orofino, Idaho,

the grantee s , the following described premises, in Clearwater County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

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 Grantee s , that ~~they~~ they are the owners in fee simple of said premises;
 that they are free from all incumbrances

and that t hey will warrant and defend the same from all lawfull claims whatsoever.

Dated: Feb. 22, 1996

MARK D. LACOCK

BEVERLY LACOCK

STATE OF IDAHO, COUNTY OF Clearwater ss.

On this 22 day of FEB. , 1996,
 before me, a notary public in and for said State, personally
 appeared MARK D. and BEVERLY LACOCK

known to me to be the person s whose names are
 subscribed to the within instrument, and acknowledge to me
 that they executed the same.

Kim S. Brown
 Notary Public

Residing at Orofino ID Idaho.
 My commission expires 3-24-2001

STATE OF IDAHO, COUNTY OF Clearwater ss.

I Hereby Certify that this Instrument was filed for record at
 the request of CLARK E. CALLEAR
 at 35 minutes past 2 o'clock P. M.,
 this 22nd day of February, 1996.
 In my office, and duly recorded in Book _____ of Deeds
 at Page _____

Robin Christensen
 Ex-officio Recorder

By Cindy Downing Deputy

Fees \$ 6.00

Mail to: C.E. CALLEAR, POB 843, OROFINO

INSTRUMENT NO.

EXHIBIT "A"

Lot 4, Sec. 33, T. 37 N., R. 1 E.B.M.; Beginning at the NE Corner of said Lot 4; thence West 337 feet to the point of beginning; thence West 219 feet; thence South 385 feet, more or less, to the North right of way line of the Camas Prairie Railroad; thence Easterly along said right of way line to a point that is due South of the point of beginning; thence North 350 feet, more or less, to the point of beginning.

EXCEPTING that portion of said premises heretofore deeded to the State of Idaho for highway purposes.

TOGETHER with an Easement, ^{cec MV} ~~30 feet in width~~, for ingress and egress on the existing road as described in that certain Grant of Easement dated March 11, 1994 and recorded as Instrument No. 165123.

ALSO TOGETHER with the full original Water Rights to the existing spring as they were conveyed to LUTHER T. LACOCK and ALICE LACOCK on Nov. 29, 1972 in that certain Trustee's Deed recorded as Instrument No. 146713 and that certain Conservator's Deed recorded as Instrument No. 146714.

SUBJECT TO a Water Use and Maintenance Agreement between CLARK EDMOND CALLEAR and LEEANN CALLEAR, husband and wife, and LUTHER T. LACOCK, a married man dealing with his sole and separate property, whereby all water rights and responsibilities shall be shared equally to a certain drilled well located on said conveyed property.

W 219'
OF #1014