

RECEIVED
JAN 29 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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)
72-4222 A	72-16816 72-16817	13 CFS			
72-10118					
72-10119					
72-146					
72-185A	72-16814 72-16815	X			
72-10120	72-16818 72-16819 72-16820 72-16821	X			

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)

4. New Owner/Claimant(s)

Brant & Lorlynn Tri-Hart
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

HC63 Box 1769

City, State and ZIP Code

Challis, ID 83226

New Telephone Number

(208) 819-2354 Email: tri.hart@custertel.net

940-2078-cell phone

SUPPORT DATA

IN FILE # 72-185A

5. Date you acquired the property

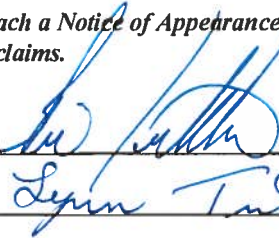
4-15-2008

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	<u>.3</u>	<u>AG - 12.248 Ac</u>
Stock		<u>20 ALUM</u>
Domestic		<u>1. Ac - Home site</u>
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)



(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 C. Allen
 Received by C. Allen
 Processed by AJ

Date 1/29/10
 Date 2/3/10
 Date

Receipt Amt. 375.00
 Receipt No. 5031246
 WR Date

238714

WARRANTY DEED

238714
 Custer County Reg. of
Alliance Title Exch
 Time 2:31 PM Date 4-15-2008
 Barbara C. Freedom Clerk
S. Chap Deputy \$ 15.00

THIS INDENTURE, made this 15TH day of APRIL, 2008,
 between Challis Creek Cattle Company, LLC, an Idaho Limited Liability Company, as Grantor
 and Brant Tritthart and Lynn Tritthart, whose address is HC 63, Box 1769, Challis, Idaho 83226,
 as Grantees.

WITNESSETH: That the Grantor for value received, does by these presents, grant,
 bargain, sell and convey unto Grantees, their heirs and assigns, all that certain lot, piece, or
 parcel of land situate, lying and being in the County of Custer, State of Idaho and particularly
 described on Schedule "A" attached hereto and by reference incorporated herein ("Property")
 with the following rights, terms, restrictions and conditions which Grantees, by acceptance
 hereof, expressly agree to-wit:

The Property is to be added to the lands of Grantees as a relocation of a common
 boundary line and is not to remain a separate parcel and may not be sold separately
 without first complying with the Custer County Lot Split Ordinance.

Together with the following apportioned water rights:

<u>Water Right</u>	<u>Priority Date</u>	<u>Grantee's Portion</u>
Right 72-4222A	6-1-1951	.3 cfs

Said water right is conveyed "as is".

Together with other tenements, hereditaments, and appurtenances thereunto belonging or
 in anywise appertaining including the rents, issues and profits thereto; and

SUBJECT TO: All of the taxes levied and assessed in 2007 and 2008 and all
 such taxes and assessments levied or assessed in subsequent years;

SUBJECT TO: All City, County, State and Federal building and zoning laws,
 ordinances and regulations;

SUBJECT TO: All rights reserved in federal patents, state or railroad deeds,
 restrictive covenants, rights of way and easements recorded against the Property,
 rights of way, easements, discrepancies between fence lines and property
 boundaries and other surveyed details, shown on the Record of Survey by Wade
 Surveying dated 01/08/2008 to be recorded contemporaneously herewith;

SUBJECT TO: The following additional terms, restrictions and conditions which
 Grantees, by acceptance hereof, expressly agree:

1. Grantees acknowledge that the scales located on the property has been sold to
 third parties. Grantees agree that the third parties or their assigns, may have
 eighteen (18) months from the date hereof to remove the scales. In the event the

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scales have not been moved within the eighteen (18) months, Grantees acknowledge that such third parties have agreed to waive all right, title and interest in the scales and the same shall revert to Grantees. Grantor does not warrant the performance by the third parties. In the event of any dispute related to said scales, Grantees' sole remedy shall be against such third parties.

Except as otherwise set forth herein, the Grantor hereby warrants the Property in the quiet and peaceable possession of the Grantees, their heirs and assigns, against all and every person or persons whomsoever, lawfully claiming or to claim the same.

CHALLIS CREEK CATTLE COMPANY, LLC

By: Stephen G. Bauchman, Managing Member

By: Lyndella A. Bauchman, Attorney in Fact

By: Lyndella A. Bauchman, Managing Member

STATE OF IDAHO)

County of LEMMING)
:ss

On this 15TH day of April, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Lyndella A. Bauchman, known or identified to me to be the person whose name is subscribed to the foregoing instrument as the attorney in fact of Stephen G. Bauchman, and acknowledged to me that she subscribed the name of Stephen G. Bauchman thereto as principal, and his own name as attorney in fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)

Am Christy-DeHoff
NOTARY PUBLIC FOR IDAHO
Residing at: SALMON, ID
My Commission Expires: 2/23/2010

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Order No.: 3070804611C-D

**LEGAL DESCRIPTION
EXHIBIT 'A'**

PARCEL "B"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER, SECTION 35, T. 14 N., R. 19 E. AND IN GOVERNMENT LOT 2, SECTION 2, T. 13 N., R. 19 E., BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35 FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS N 89°43'29" E A DISTANCE OF 2645.16 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N 01°12'56" E A DISTANCE OF 792.69 FT. AN EXISTING 5/8" REBAR SET BY PLS 3577 IN AN EXISTING FENCE INTERSECTION AND THE POINT OF BEGINNING;

THENCE N 00°09'40" E ALONG AN EXISTING FENCE A DISTANCE OF 43.86 FT.;

**THENCE N 89°40'04" E A DISTANCE OF 646.69 FT. TO A POINT ON THE CENTERLINE OF BUCKBOARD LANE;
THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID CENTERLINE:
S 08°28'08" W 465.77 FT.; 133.60 FT. ALONG A CURVE TO THE RIGHT
HAVING A CHORD OF S 18°51'18" W A DISTANCE OF 132.87 FT., A DELTA OF 20°46'20"
AND A RADIUS OF 368.50 FT.;**

**S 29°14'28" W 55.62 FT.; 227.12 FT. ALONG A CURVE TO THE LEFT HAVING
A CHORD OF S 09°16'59" W A DISTANCE OF 222.56 FT., A DELTA OF 39°55'04" AND A
RADIUS OF 326.00 FT.;**

**S 10°40'34" E 307.61 FT.; 22.70 FT. ALONG A CURVE TO THE RIGHT
HAVING A CHORD OF S 07°25'28" E A DISTANCE OF 22.69 FT., A DELTA OF 06°30'12"
AND A RADIUS OF 200.00 FT.;**

**THENCE WEST A DISTANCE OF 14.98 FT. TO AN EXISTING 5/8" REBAR SET BY
PLS 3577;**

**THENCE THE FOLLOWING COURSES AND DISTANCES TO EXISTING 5/8" REBARS SET
BY PLS 3577:**

N 10°28'21" W 493.04 FT.; N 58°40'11" W 133.54 FT.;

**N 14°34'27" E 603.25 FT.; S 89°13'16" W 465.28 FT. TO THE POINT OF
BEGINNING.**

**SUBJECT TO AND TOGETHER WITH: A 30 FT. WIDE EASEMENT FOR INGRESS AND
EGRESS, 15 FT. ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:**

**COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35 RUN
THENCE S 09°29'24" E A DISTANCE OF 1249.97 FT. TO A POINT ON THE CENTERLINE
OF BUCKBOARD LANE ON THE SOUTHERLY BOUNDARY OF GOVERNMENT LOT 2 OF
SAID SECTION 2 AND THE POINT OF BEGINNING;**

**THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID CENTERLINE:
N 23°57'36" E 153.36 FT.; N 21°50'13" E 704.61 FT.;**

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113.49 FT. ALONG A CURVE TO THE LEFT HAVING A CHORD OF N 05°34'50" E A
DISTANCE OF 111.98 FT., A DELTA OF 32°30'48" AND A RADIUS OF 200.00 FT.;

N 10°40'34" W 307.61 FT.; 227.12 FT. ALONG A CURVE TO THE RIGHT
HAVING A CHORD OF N 09°16'59" E A DISTANCE OF 222.56 FT., A DELTA OF 39°55'04"
AND A RADIUS OF 326.00 FT.;

N 29°14'28" E 55.62 FT.; 133.60 FT. ALONG A CURVE TO THE LEFT HAVING
A CHORD OF N 18°51'18" E A DISTANCE OF 132.87 FT., A DELTA OF 20°46'20" AND A
RADIUS OF 368.50 FT.; N 08°28'08" E 465.77 FT. TO THE POINT OF TERMIUS.

238714

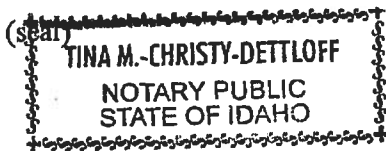
STATE OF IDAHO)

:SS

County of LEMHI)

On this 15TH day of April, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Lyndella A. Bauchman, known or identified to me to be the managing member of the limited liability company who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tina Christy-Dettloff
NOTARY PUBLIC FOR IDAHO
Residing at: SALMON, ID
My Commission Expires: 2/23/2010

GIFT DEED

THIS INDENTURE, Made and entered into this 2 day of February, ²⁰⁰⁰~~1999~~,

by and between Garth Chivers and Glenis Chivers, husband and wife, of HC 63, Box 1771, Challis, ID 83226, the parties of the first part, and Brant Tritthart and Lynn Tritthart, husband and wife, of HC 63, Box 1769, Challis, ID 83226, the parties of the second part,

WITNESSETH:

That said parties of the first part, for and in consideration of the love and affection they hold for the parties of the second part, by these presents, do give, convey and confirm unto the said parties of the second part, the following described real property located in Custer County, State of Idaho, to-wit:

Beginning at a point S 89° 38'35" W 2259.39 feet along the North line of Section 2, Township 13 North, Range 19 E.B.M. and the South line of Section 35, Township 14 North, Range 19 E.B.M. from a brass cap monument set by land surveyor #4054 in September, 1980, to mark the corner common to Section 35 and 36, Township 14 North, Range 19 E.B.M., and Section 1 and 2, Township 13 North, Range 19 E.B.M.; thence S 22° 01' 48" W 245.99 feet along a fence to a fence intersection, said intersection is also the starting point for a common property line agreement between Chivers "Deed #173264" and Westergard "Deed # 192191;" thence continuing along said fence N 66° 09' 17" W 126.08 feet to a fence corner; thence continuing along said fence N 18° 58' 27" E 44.42 feet to a fence corner; thence continuing along said fence N 68° 08'16" W 193.24 feet to a fence corner; thence continuing along said fence N 0° 09' 04" E 60.77 feet to a point lying on the South line of Section 35, Township 14 N., Range 19 E.B.M., on the North Line of Section 2, Township 13 North, Range 19 E.B.M.; thence continuing along said fence N 0° 09' 04" E 792.44 feet to a fence intersection; said intersection is the ending point of a common property line agreement between Chivers "Deed #173264" and Westergard "Deed #192191;" said intersection is also the starting part for a common property line agreement between Chivers "Deed #173264" and Hunt "Deed #191970;" thence continuing along said fence N 89° 07' 08" E 465.29 feet to a point which marks the end of the common property line agreement between Chivers "Deed #173264" and Hunt "Deed #191970;" thence S 14° 28' 32" W 603.19 feet to a point; thence S 58° 41' 39" E 133.44 feet to a point; thence S 22° 01' 48" W 155.24 feet to a point on the South line of Section 35, Township 14 North, Range 19 E.B.M., and the North line of Section 2, Township 13 North, Range 19

E.B.M., the point of beginning.
Containing 8.252 acres, more or less.

Also Including:

The following land located in Section 2, T13N, R19E, Boise Meridian, Custer County, Idaho, and Section 35, T14N, R19E, Boise Meridian, Custer County, Idaho.

Beginning at a point S 89°38'35" W, 2174.38 feet along the North line of Section 2, T13N, R19E, Boise Meridian, and the South line of Section 35, T14N, R19E, Boise Meridian, from a brass cap monument set by land surveyor #4054 in September, 1980, to mark the corner common to Section 35 & 36, T14N, R19E, and Section 1 & 2, T13N, R19E, Boise Meridian; Thence S 10°34'54" E, 347.26 feet to a fence corner; Thence N 64°55'23" W, 266.14 feet along said fence to a fence corner; Thence N 22°01'48" E, 245.99 feet to a point lying on the South line of Section 35, T14N, R19E, Boise Meridian, and the North line of Section 2, T13N, R19E, Boise Meridian; Thence N 22°01'48" E, 155.24 feet to a point; Thence S 10°34'54" E, 145.86 feet to a point on the South line of Section 35, T14N, R19E, Boise Meridian, and the North line of Section 2, T13N, R19E, Boise Meridian, THE POINT OF BEGINNING. (1 Ac M/L located in T13N, R19E, Sec. 2 and .224 Ac M/L located in T14N, R19E, Sec. 35)
Containing 1.224 acres, more or less.

TOGETHER WITH A non-exclusive easement for an existing road way from the premises in a southwesterly direction to the County Road, the following described:

ROAD EASEMENT

SEC. 2 T. 13N., R 19 E., AND SEC. 35 T. 14 N., R. 19 E., B. M. CUSTER COUNTY. STATE OF IDAHO

EASEMENT DESCRIPTION:

Commencing at the South 1/4 corner of Section 2T 13 N., R 19 E., B.M., Custer County State of Idaho Thence N 3° 03'13" E 3921.58 to the approximate Northerly R.O.W. Line of Warm Springs Road and the point of beginning of a 50' wide road easement (25' each side of center line lane); Thence along centerline of mid easement N 20° 49' 25 E 997.40 to a point; thence N 10° 34' 35" W 470.61' to a point; thence N 30° 32' 37" E 16138 to a point; thence N 26° 31' 08" E 60.93' to a point; thence N 15° 39' 25' E 68.66' to a point; thence N 8° 32' 58" E 141.36' to a point; thence N 7° 38' 56" E 341.67' to a point; thence N 9° 39' 29" E 66.99' to a point; thence N 10° 25' 11" E 304.23' to a point; thence N 11° 55' 14" E 80.04' to a point; thence N 11° 40' 17" E 87.13' to a point; thence N 9° 13' 59" E 116.72' to a point; Thence N 11° 04' 50" E 210.54' to a point; thence N 10° 31' 31" E 250.99' to the approximate boundary of Hunt and Chivers property and end of easement; said point being N 11° 38' 41" E 3267.74' from the point of beginning.

TOGETHER with easements for all irrigation ditches serving the premises.

TOGETHER with any and all water rights thereon.

IN WITNESS WHEREOF, The parties of the first part have hereunto set their hands and seals the day and year first above written.

Garth Chivers
Garth Chivers

Glenis Chivers
Glenis Chivers

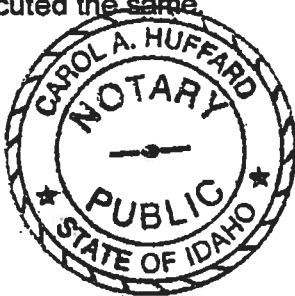
Acknowledgment

STATE OF IDAHO,)

ss.

County of Custer.)

On this 2nd day of February, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Garth Chivers and Glenis Chivers, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Carol A. Huffard

Notary Public for Idaho

Residing at: Challis, Idaho

My Commission Expires: August 5, 2005

0220436

Custer County Req. of.

Lynn Trithart

Time 11:50 AM Date 2-2-99

Ethel M. Peck, Clerk

Linda Thoms, 12.00

Deputy

220436

Id	Bearing	Distance
L1	N 20° 49' 25" E	997.40'
L2	N 10° 34' 35" W	470.61'
L3	N 30° 32' 37" E	161.35'
L4	N 26° 31' 08" E	60.93'
L5	N 15° 39' 25" E	68.66'
L6	N 8° 32' 58" E	141.36'
L7	N 7° 38' 56" E	341.67'
L8	N 9° 39' 29" E	66.99'
L9	N 10° 25' 11" E	304.23'
L10	N 11° 55' 14" E	80.04'
L11	N 11° 40' 17" E	87.13'
L12	N 9° 13' 59" E	116.72'
L13	N 11° 04' 50" E	210.54'
L14	N 10° 31' 31" E	250.99'

SCALE: 1" = 200 FT.

CENTERLINE EASEMENT

