



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

January 18, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

DARYL AND PATRICIA HULL
2756 HWY 93 N
NORTH FORK ID 83466-5526

RE: Notice of Change of Water Right Ownership for Water Right 75-10130

Dear Mr. & Mrs. Hull:

On September 15, 2003, the department received your notice of change in water right ownership for water right 75-10103. As stated in our letter dated May 5, 2005, the place of use as decreed by the court does not match the deed you submitted. I am enclosing a water right report which describes the place of use as being in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, in Section 15, Township 25N, Range 21E. Also enclosed is a copy of a map which depicts shows the location of your property.

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.

As an additional alternative you could file an application for permit to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water (well) source.

Since the deed submitted does not match the place of use for this water right, I am returning your unprocessed notice and have requested that a refund be mailed to you.

If you have any questions regarding this matter, please call me at 208-287-4952.

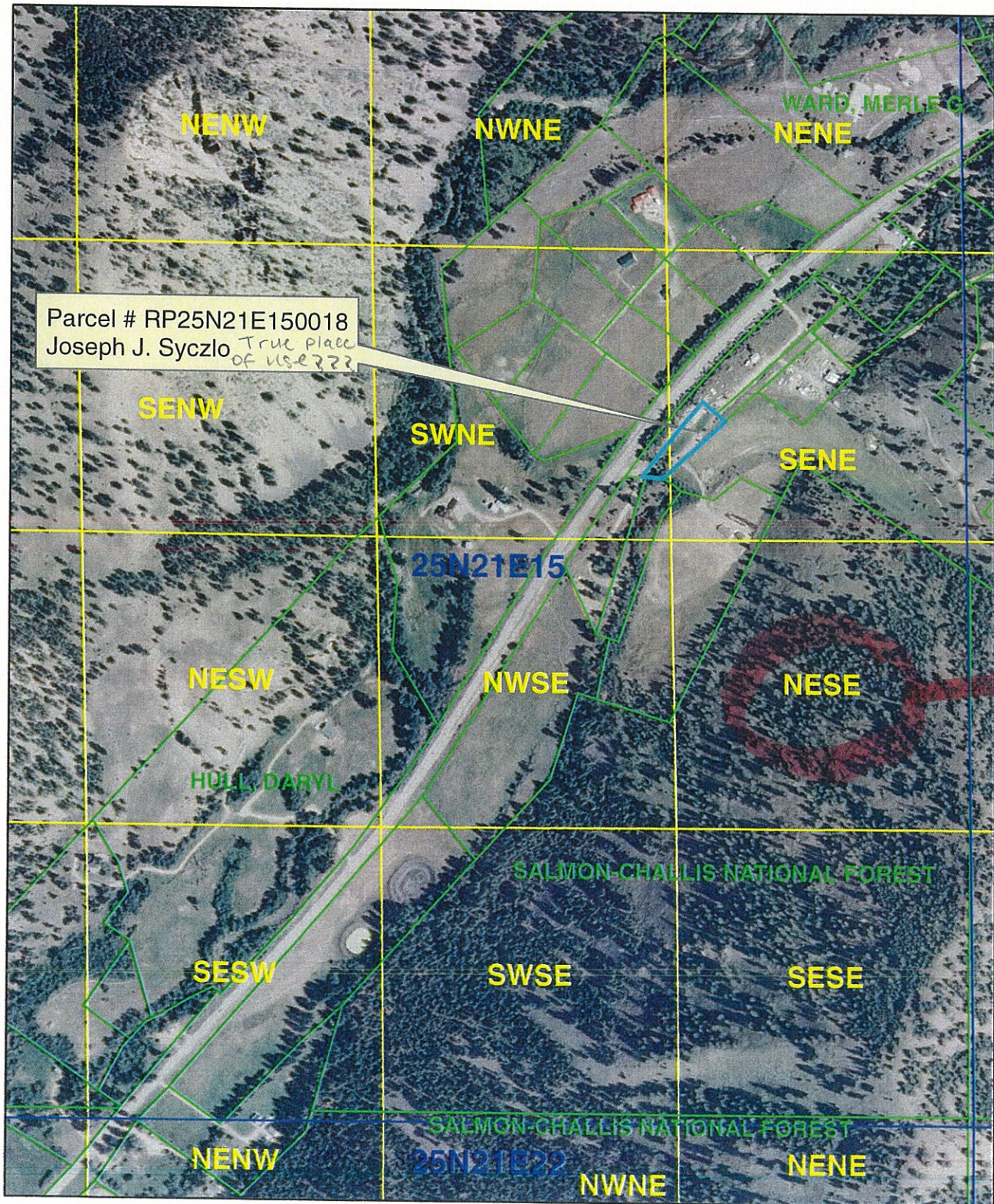
Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosures

Map of part of section 15, T25N, R21E, B.M.

Depicts location of the NESE, Parcel # RP25N21E150018, and the Hull property.
The place of use as decreed for water right 75-10130 is located in the NESE.



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

RECEIVED

SEP 23 2003

Department of Water Resources

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
75-10130					
	75-4297	X			

- Ferrell
 75-14139
 + 75-14140
 'Hull

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 usually attached to your deed or on file with the county).
OR
 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 **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) Jaeep and Miriam Ferrell
NORTH Fork rd 83468
4. New Owner/Claimant(s) Daryl + Lea Patricia Hull
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 430285
- City, State and ZIP Code Big Pine Key FL 33043
- New Telephone Number (305) 872-3395
5. Date you acquired the property 9-11-2003

RECEIVED

SEP 15 2003

Department of Water Resources
 Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>75-4297</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>2.00 cfs</u>	<u>21.00</u>
Stock		
Domestic		
Other		
Total	<u>2.10 cfs</u>	

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

7. Signature of New Owner(s) or Claimant(s) *[Signature]*
(include title if applicable)

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.

For Office Use Only

Received by <u>96</u>	Date <u>9-15-03</u>	Fee <u>\$25-</u>
Received by <u>96</u>	Date <u>9-15-03</u>	Receipt No. <u>E029199</u>
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

Order No.:307031914L-G

255945

FOR VALUE RECEIVED

Jared Ferrell and Miriam F. (Pat) Ferrell, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Daryl Hull and Patricia Hull, husband and wife

whose current address is

P.O. Box 430285 Big Pine Key, FL 33043

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

PARCEL "B"

A PORTION OF H.E.S. 95, UNSURVEYED SECTION 15, T. 25 N., R. 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 6 OF SAID H.E.S. 95 FROM WHICH CORNER NO. 7 OF SAID H.E.S. 95 BEARS S. 42° 13' 00" W. THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N. 46° 08' 02" E. ALONG LINE 6-5 OF SAID H.E.S. 95, 210.00 FEET TO THE INTERSECTION WITH THE CENTER LINE OF THE NORTH FORK OF THE SALMON RIVER;

THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES;

S. 15° 57' 54" E., 301.45 FEET; S. 03° 39' 32" W., 306.22 FEET;

THENCE LEAVING SAID CENTER LINE S. 31° 05' 02" E., 397.35 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF HIGHWAY 93 NORTH;

THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES:

ALONG THE ARC OF A CURVE TO THE RIGHT 1139.79 FEET HAVING A RADUIS OF 5586.53 FEET, A CENTRAL ANGLE OF 11° 41' 23", AND A CHORD OF S. 36° 53' 33" W., 1137.81 FEET; S. 42° 44' 14" W., 396.90 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY N. 54° 49' 00" W., 55.00 FEET TO THE CENTERLINE OF THE NORTH FORK OF THE SALMON RIVER;

THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES:

S. 62° 57' 15" W., 112.58 FEET; S. 59° 09' 47" W., 136.35 FEET; S. 64° 33' 07" W., 52.76 FEET;

THENCE LEAVING SAID CENTERLINE N. 16° 12' 31" W., 357.06 FEET:

THENCE N. 57° 26' 42" W., 139.84 FEET;

THENCE N. 36° 56' 52" E., 173.73 FEET;

THENCE N. 17° 58' 54" W., 136.17 FEET;

THENCE N. 30° 54' 02" W., 223.13 FEET TO THE INTERSECTION WITH SAID LINE 6-7 H.E.S. 95;

THENCE N. 42° 13' 00" E. ALONG SAID LINE, 1655.13 FEET TO THE POINT OF BEGINNING;

SUBJECT TO A 20 FOOT WIDE INGRESS AND EGRESS EASEMENT ALONG THE EXISTING DRIVE TO THE PARCEL SOUTH OF THE ABOVE DESCRIBED PARCEL.

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 Grantee(s), that (s)he is/are the owner(s) 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 (s)he will warrant and defend the same from all lawful claims whatsoever.

According to P.J.
@ Lemhi Assessor's
Sec 15 NWSE, SWNE,
NESW

Dated: 9/04/2003

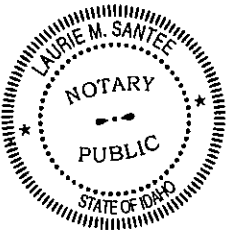
Jared Ferrell
Jared Ferrell

Miriam F. Ferrell
Miriam F. (Pat) Ferrell

State of Idaho }
County of Lemhi } ss.

On this Sept 11, 2003, before me, a Notary Public in and for said state, personally appeared Jared Ferrell and Miriam F. (Pat) Ferrell

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that ~~he/she~~ 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.



Laurie M. Santee
Notary Public for the State of Idaho
Residing at: Salmon
Commission Expires: 6-19-2007

255945

State of Idaho)
County of Lemhi) SS No. _____

This instrument was filed for record at the request
of Alliance Title
at 2:45 o'clock P m 9-11 2003

and duly filed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder
By [Signature] Deputy

Fee 6.00

Return to: A.T.

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Order No.:307031914L-G

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covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

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Dated: 9/04/2003

Jared Ferrell
Jared Ferrell

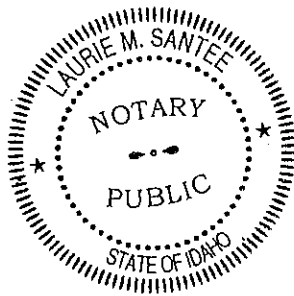
Miriam F. Ferrell
Miriam F. (Pat) Ferrell

State of Idaho }
County of Lemhi } ss.

On this Sept 11, 2003, before me, a Notary Public in and for said state, personally appeared Jared Ferrell and Miriam F. (Pat) Ferrell

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that ~~he/she~~ 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.



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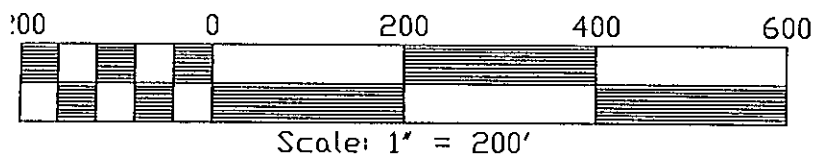
and duly filed and indexed in the records of Lemhi County

Terri J. Morton
Ex-Officio Recorder

By [Signature] Deputy

Fee 16.00

Return to: A.T.



CORNER 5 H.E.S. 95

CORNER 6 H.E.S. 95
P.O.B. "B"

P.O.B. "A" P.
17.

BASIS OF BEARING
N 42°13'00" E
1655.13'

N 46°08'02" E 482.72'
N 46°08'02" E 210.00'
S 15°57'54" E 301.45'
S 03°39'32" W 306.22'
S 31°05'02" E 397.35'

NORTH FORK
SALMON RIVER

PARCEL "B"
37.78 ACRES

NOTE: PARCEL "B" IS SUBJECT TO A
20.00' WIDE EASEMENT ALONG AN
EXISTING DRIVE FOR INGRESS AND EGRESS.

CORNER 7 H.E.S. 95

U.S. HIGHWAY

C3

NUMBER
C1
C2
C3

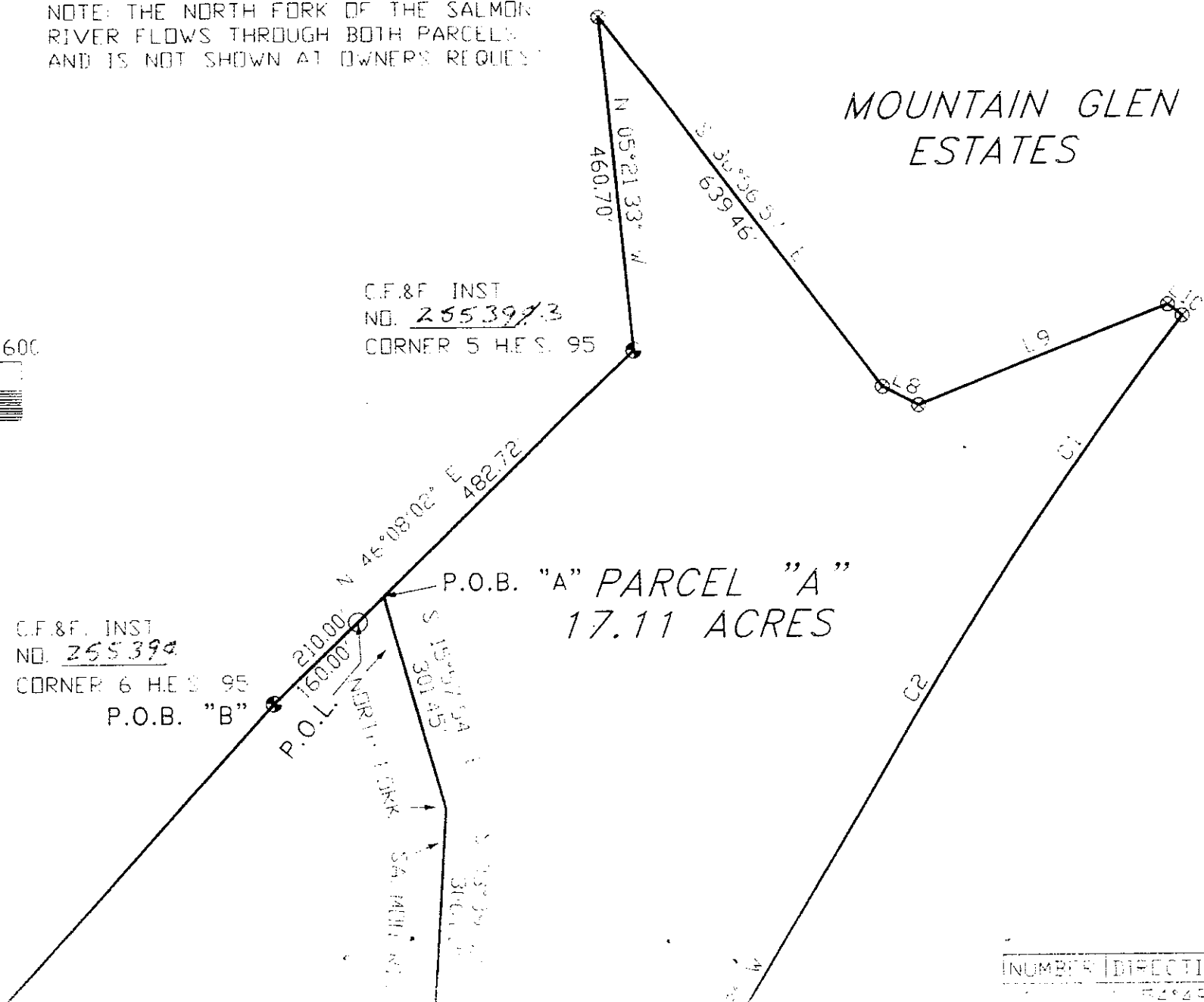
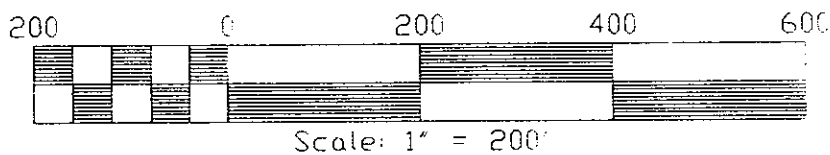
L1
L2
L3
L4
L5
L6
L7
N 16°12'31" W 357.06'
S 62°57'15" W 112.58'
S 42°44'14" W 396.90'

Part of H.E.S. 95, Section 15, T 25 N, R 21 E, BM Lemhi County, Idaho.

NOTE: THE PURPOSE OF THIS SURVEY IS TO RELOCATE COMMON
BOUNDARY LINES BETWEEN ADJOINING PROPERTIES. NO NEW
PARCELS ARE BEING CREATED; THEREFORE THIS SURVEY IS
EXEMPT FROM LOT SPLIT REVIEW.

NOTE: SEE R.O.S. INSTRUMENT NO. 201760

NOTE: THE NORTH FORK OF THE SALMON
RIVER FLOWS THROUGH BOTH PARCELS
AND IS NOT SHOWN AT OWNERS REQUEST



NUMBER	DIRECTION	DISTANCE
1	N 05°21'33" W	460.70'
2	S 30°36'51" E	639.46'
3	N 45°08'02" E	482.72'
4	S 15°51'34" E	301.45'
5	S 73°37'31" E	316.13'
6	S 15°51'34" E	301.45'
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95	S 73°37'31" E	316.13'
96	S 15°51'34" E	301.45'
97	S 73°37'31" E	316.13'
98	S 15°51'34" E	301.45'
99	S 73°37'31" E	316.13'
100	S 15°51'34" E	301.45'



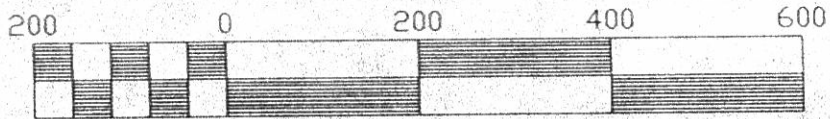
Saw Mill

Tr 46

F.S. Ranger Station

mouth of Salmon R.

Little sh



Scale: 1" = 200'

C.F.&F. INST.
NO. 2553943
CORNER 5 H.E.S. 95

C.F.&F. INST.
NO. 255394
CORNER 6 H.E.S. 95
P.O.B. "B"

P.O.B. "A" **PARCEL "A"**
17.11 ACRES

BASIS OF BEARING
N 42°13'00" E
1655.13'

PARCEL "B"
37.78 ACRES

NOTE: PARCEL "B" IS SUBJECT TO A
20.00' WIDE EASEMENT ALONG AN
EXISTING DRIVE FOR INGRESS AND EGRESS.

NUMBER	DELTA ANGLE	RADIUS
C1	04°30'27"	5997.4
C2	03°00'52"	5920.2
C3	11°41'23"	5586.7

RECORDERS CERTIFICATE

Instrument No. 255402
Time of Day 1:53 P.M. B.13 P.M.
Date 30 July 2003
Recorded in Blaine County, Idaho

SURVEYORS CERTIFICATE

I, Thomas Taylor, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10130

NAME AND ADDRESS: JARED F FERRELL
MIRIAM F (PAT) FERRELL
HC 10 BOX 28
NORTH FORK, ID 83466

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/15/1989

POINT OF DIVERSION: T25N R21E S15 SWNESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Lemhi County
	T25N R21E S15	NESE	
	Domestic		Within Lemhi County
	T25N R21E S15	NESE	

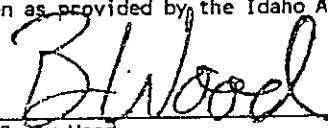
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

Will review now
\$25.00

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-10130

Date Received: 4/17/1990

Receipt No: MO06652

Received By: EC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JARED F. FERRELL 208-865-2402
Address: HC 10 BOX 28
NORTH FORK, ID 83466

OR

Name: MIRIAM F. (PAT) FERRELL 208-865-2402
Address: HC 10 BOX 28
NORTH FORK, ID 83466

2. Date of Priority: SEP 15, 1989

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	21E	15	SW	NE	SE		LEMHI

5. Description of diverting works:
WELL WITH PUMP & PIPELINE TO HOUSE, LAWN, GARDEN, STOCKTANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME, LAWN, GARDEN, STOCK TO 50 HEAD/MIXED.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	21E	15	NE	SE		DOMEST	
			NE	SE		STOCK	

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
N/A

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Miriam F. Pat Ferrell Date: April 17, 1990

Date: _____

State of Idaho)
County of LEMHI) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of APR 19 90

Shenell E. Rulley
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-04297
Date Received: 4/17/1990
Receipt No: M006652
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JARED F. FERRELL 208-865-2402
Address: HC 10 BOX 28
NORTH FORK, ID 83466

Name: MIRIAM F. (PAT) FERRELL 208-865-2402
Address: HC 10 BOX 28
NORTH FORK, ID 83466

2. Date of Priority: MAY 15, 1898

3. Source: NORTH FORK SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
25N	21E	15	NE	NW			LEMHI

5. Description of diverting works:
DAM, HEADGATE & DITCH

Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/15	5.000		

Total Quantity Appropriated is:
5.000 C.F.S. (and/or) A.F.A.

6. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	21E	15	SE	NE		IRR	20.0
			SW	NW		IRR	2.0
			NE	SW		IRR	6.0
			NW	SW		IRR	2.0
						Section Acres	30.0
						Total Acres	30.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
75-04298

14. Remarks:
THIS RT. APPARENTLY HAD NOS. TRANSPOSED WITH 75-04298 WHEN THE
RTS. WERE DATA ENTERED. CLAIMANTS TO THE BEST OF THEIR KNOWLEDGE
FEEL THAT WHAT IS CLAIMED HERE REPRESENTS THE PROPER DESCRIPTION
OF THE RT. FROM THE RIVER.

15. Basis of Claim: STATUTORY CLAIM