



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 22, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BRENT J WALLE
RT 2 BOX 26
KAMIAH ID 83536

RE: Notice of Change in Water Right Ownership for Water Right No. 85-10328

Dear Mr. Walle:

On February 11, 2009, I sent you a letter in response to your notice of change in water right ownership. I am enclosing a copy of that letter for your convenience.

Since the property described in the documents you submitted does not match the place of use as decreed by the court, I am not able to process the ownership change. I am returning your notice of change in water right ownership and have requested that a refund be mailed to you.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Emalee Rushing".

Emalee Rushing
Office Services Supervisor

Enclosures

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

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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
P0 485-10328					

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FEB 06 2009

DEPARTMENT OF WATER RESOURCES

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)

Charles Hardy Wendle Estate
Rt 2 Box 26 Kamiah, ID 83536

4. New Owner/Claimant(s)

Brent J. Welle

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Rt 2 Box 26

City, State and ZIP Code

Kamiah, ID 83536

New Telephone Number

(208) 507-1435

5. Date you acquired the property

2/14/07

COPY

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 _____		
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	_____	_____

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) Bj Wells 12/29/07
(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>[Signature]</u>	Date <u>1/7/08</u>	Fee <u>125⁰⁰</u>
Received by <u>[Signature]</u>	Date <u>1/7/08</u>	Receipt No. <u>N018980</u>
Processed by _____	AJ Date _____	WR _____ Date _____

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452838

AMENDED WARRANTY DEED

GRANTOR, ESTATE OF CHARLES HARDY WEDDLE, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to BRENT J. WALLE, a single person, and DEAN E. WALLE and JANE E. YEAGER, husband and wife, of 4135 Quitman, Denver, CO 80212, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes for the year 2006, which are a lien, not yet due and payable.

2. Right, title and interest of the State of Idaho within the natural bed of the Seven Mile Creek below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line.

3. RIGHT OF WAY for ingress and egress in WARRANTY DEED recorded August 12, 1976, as Instrument No. 264208.

4. RIGHT OF WAY EASEMENT to IDAHO COUNTY LIGHT AND POWER COOPERATIVE ASSOC., INC., a corporation, recorded January 21, 1997, as Instrument No. 391174.

5. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Record of Survey noted below, but deleting any covenant, condition or restriction indicating a preference limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

Record of Surveys:

Recorded April 14, 2003, as Instrument No. 428109;

Recorded June 14, 2006, as Instrument No. 449026.

6. Possible rights of ownership as evidenced by fence lines shown on survey recorded April 14, 2003 as Instrument No. 428109.

7. ACCESS AND UTILITY EASEMENT in QUITCLAIM DEED recorded September 14, 2006, as Instrument No. 450908.

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1
2 TO HAVE AND TO HOLD the said premises, with their appurtenances,
3 unto the said Grantees, their heirs and assigns forever. And the said
4 Grantors do hereby covenant to and with the said Grantees that they are
5 the owners in fee simple of said premises; that they are free from all
6 encumbrances, and that they will warrant and defend the same from all
7 lawful claims whatsoever, except general taxes for the year 2006, and
8 easements, reservations, restrictions and rights-of-way of record or in
9 use.

10 Except as otherwise expressly provided in this instrument,
11 GRANTORS, hereby declare pursuant to Title 5, Chapter 2 of the Idaho
12 Code, that in the event GRANTORS shall have permitted or suffered at any
13 time prior to the making of this instrument, any person or entity to
14 possess, use or occupy the above-described premises, or any portion
15 thereof, for any purpose, with or without the knowledge of GRANTORS, it
16 was not the intent of GRANTORS, by permitting or suffering such
17 possession, use or occupation, to thereby define property boundaries or
18 ownership thereof.

19 In construing this deed, and where the context so requires, the
20 singular includes the plural and the masculine, the feminine and the
21 neuter.

22 IN WITNESS WHEREOF, Grantors and Grantees have hereunto subscribed
23 its name to this instrument this ____ day of December, 2006.

24 THIS INSTRUMENT SUBSTITUTES FOR AND AMENDS INSTRUMENT NUMBER
25 452000, RECORDS OF IDAHO COUNTY, IDAHO.

26 Charles Ray Weddle
27 ESTATE OF CHARLES HARDY WEDDLE
28 By: CHARLES RAY WEDDLE
Co-Personal Representatives

Marjorie Louise Weddle
ESTATE OF CHARLES HARDY WEDDLE m.w.
By: MARJORIE LOUISE WILKINS
Co-Personal Representatives

29 Brent J. Walle
30 BRENT J. WALLE

DEAN E. WALLE

31 JANE E. YEAGER

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1
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3 unto the said Grantees, their heirs and assigns forever. And the said
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21 neuter.

22 IN WITNESS WHEREOF, Grantors and Grantees have hereunto subscribed
23 its name to this instrument this ____ day of December, 2006.

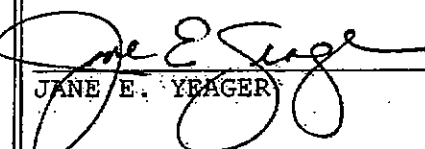
24 THIS INSTRUMENT SUBSTITUTES FOR AND AMENDS INSTRUMENT NUMBER
25 452000, RECORDS OF IDAHO COUNTY, IDAHO.

26
27 ESTATE OF CHARLES HARDY WEDDLE
28 By: CHARLES RAY WEDDLE
Co-Personal Representatives

ESTATE OF CHARLES HARDY WEDDLE
By: MARJORIE LOUISE WILKINS
Co-Personal Representatives

29
30 BRENT J. WALLE


DEAN E. WALLE


JANE E. YEAGER

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1
2 STATE OF IDAHO)
3 ss.
4 County of Idaho)

5 On this 15 day of December, 2006, before me,
6 Misty Hescok, a Notary for the said County and State,
7 personally appeared CHARLES RAY WEDDLE, Co-Personal Representative for
8 the ESTATE OF CHARLES HARDY WEDDLE, known or identified to me to be the
9 person whose name is subscribed to the within instrument, and he
10 acknowledged to me that he freely executed the same and that the
11 statements therein contained are true.

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

14 (NOTARY SEAL)

15 MISTY HESCOCK
16 Notary Public
State of Idaho

Misty Hescok
Notary Public for State of Idaho.
Residing at KAMIAH, therein.
My commission expires on
MY COMMISSION EXPIRES November 2, 2012, 2006.
BONDED THRU NOTARY PUBLIC UNDERWRITERS

17
18 STATE OF IDAHO)
19 ss.
20 County of Idaho)

21 On this 12th day of December, 2006, before me,
22 V. Lynn Aiken, a Notary for the said County and State,
23 personally appeared MARJORIE LOUISE WILKINS, Co-Personal Representative
24 for the ESTATE OF CHARLES HARDY WEDDLE, known or identified to me to be
25 the person whose name is subscribed to the within instrument, and she
26 acknowledged to me that she freely executed the same and that the
27 statements therein contained are true.
28

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1
2 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
3 official seal the day and year first above written.

4
5 (NOTARY SEAL) V. LYNN AIKEN
6 Notary Public
State of Idaho

V. Lynn Aiken
Notary Public for State of Idaho.
Residing at *Cummins, Idaho* therein.
My commission expires on
May 31, 2011.

8
9 STATE OF Idaho)
10 County of Lewis) ss.

11 On this 15 day of December 2006, before me,
12 Misty Hescocock, a Notary for the said County and State,
13 personally appeared BRENT J. WALLE, a single man, known or identified to
14 me to be the person whose name is subscribed to the within instrument,
15 and he acknowledged to me that he freely executed the same and that the
16 statements therein contained are true.

17
18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
19 official seal the day and year first above written.

20
21 (NOTARY SEAL) MISTY HESCOCK
22 Notary Public
State of Idaho

Misty Hescocock
Notary Public for State of Idaho,
Residing at Kamiah, therein.
My commission expires on
MY COMMISSION EXPIRES
November 2, 2012
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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1
2 STATE OF Colorado)
3 County of Jefferson)
4

5 On this 22 day of December 2006, before me,
6 Matt Barnes, a Notary for the said County and State,
7 personally appeared DEAN E. WALLE and JANE E. YEAGER, husband and wife,
8 known or identified to me to be the persons whose names are subscribed
9 to the within instrument, and they acknowledged to me that they freely
10 executed the same and that the statements therein contained are true.

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

13
14 (NOTARY SEAL)

MATT BARNES
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 09/23/2009

Matt Barnes
Notary Public for State of CO,
Residing at 1st Bank, therein.
My commission expires on

9/23/09

EXHIBIT A
LEGAL DESCRIPTION
TRACT 1

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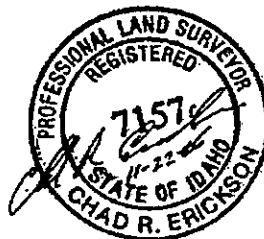
A tract of land, comprising a northern portion of Tax Parcel #93, located in the SE1/4 SW1/4 of Section 15 and NE1/4 NW1/4 of Section 22, Township 33 North, Range 3 East, Boise Meridian, and more particularly described as follows:

Commencing at the Section Corner common to Sections 14, 15, 22 and 23, T.33N., R.3E., B.M.;
Thence S.87°57'28"W., 3874.04' to the apparent northeast corner of an existing bridge over Seven Mile Creek, which bridge has a reported center point station of 289+56.5' on the Cottonwood to Winona Road, Federal Aid Project No. ERS-17(1), known as Idaho State Highway #162 (in the past designated as #62);
Thence on a radial line S.78°53'48"E., 42.42' to the True Point of Beginning at a point on a curve on the east right-of-way boundary of Highway 162, said point being 60' right of centerline, from which point the Radius Point of the curve bears N.78°53'48"W., 2,925.00';
Thence 128.00' along the east boundary of Highway 162 on a curve to the left having a Radius of 2925.00', Delta Angle of 2°30'26", and Chord of N.9°50'58"E., 127.99', to the most northern corner of this Tract;
Thence, leaving the said east Highway boundary, S.9°49'09"E., 196.67';
Thence S.22°30'56"E., 60.24' to a common corner of Tax Parcels 92 and 93;
Thence, along the common boundary of Tax Parcel #92 and 93, S.54°55'58"E., 61.39' to a fence corner at the southwest corner of this parcel;
Thence, along a fence that has long been recognized by Charles H. Weddle as the north boundary of Tax Parcel #93, N.88°37'05"E. a record distance of 107.00' to the southwest corner of Tax Parcel #92;
Thence, leaving Tax Parcel #92 and continuing along the existing fence, N.89°27'38"E., 127.17' to a found 1" iron pipe at an exiting fence corner;
Thence approximately along an exiting fence S.1°09'14"E., 582.41';
Thence leaving the fence S.2°35'23"E., 48.50' to the southeast corner of this Tract;
Thence S.89°36'41"W., 502.47' to the east right-of-way boundary of Highway 162;
Thence, along the east right-of-way boundary of Highway 162, N.5°10'05"W., 29.10';
Thence 323.68' along a curve to the right, having a Radius of 1106.000', Delta Angle of 16°46'05", and Chord of N3°12'55"E., 322.527';
Thence N.11°35'55"E., 393.40';
Thence S.78°24'05"E., 20.00';
Thence N.11°35'55"E., 32.50';
Thence 25.284' on a curve to the left, having a Radius of N11°21'03"E., 25.284' to the True Point of Beginning;

CONTAINING: 0.001 Acres in Section 15 and 7.300 Acres in Section 22;

TOGETHER WITH AND SUBJECT TO a 50 foot wide access and utility easement centered upon the following described line:

Commencing at the most northern corner of Tract 1;
Thence southerly 90.00' along the east right-of-way boundary of Highway 162 on a curve to the right, having a Radius of 2925.00', Delta Angle of 1°45'47", and a Chord of S.9°28'37"W., 89.996', to the True Point of Beginning of this easement;
Thence S.18°57'10"E., 196.54';
Thence S.54°55'58"E. to a point from which the southwest corner of Tract 3 bears N.35°04'02"E., 25.00';
Thence through Tract 1 to the north boundary of Tract 2, the location to be agreed upon by the owners of Tract 1 and 2.



ALSO KNOWN AS Tract 1;

ALL AS SHOWN ON Record of Survey #S-2511, on file at the Idaho County Recorder's Office.

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EXHIBIT A
LEGAL DESCRIPTION
TRACT 2

DWR/North

A tract of land, comprising a southern portion of Tax Parcel #93, located in the NE1/4 NW1/4 of Section 22, Township 33 North, Range 3 East, Boise Meridian, and more particularly described as follows:

STATE of IDAHO	
County of Idaho	
Recorded at request of	
AND TITLE CO.	
at 10:55 A	on 1-9-07
ROSE E. GEHRING	
By <i>Ruth G. Erickson</i>	Recorder
Fees \$ 24.00	Deputy

m/pu

Commencing at the Section Corner common to Sections 14, 15, 22 and 23, T.33N., R.3E., B.M.;

Thence S.77°06'17"W., 4060.65' to a set 1/2"x24" iron rebar with a yellow plastic cap marked "RLS 7157" at the east right-of-way boundary of the Cottonwood to Winona Road, Federal Aid Project No. ERS-17(1), known as Idaho State Highway #162 (in the past designated as #62) at station P.C. 281+71.3;

Thence S.5°10'05"E., 29.10 on the east right-of-way boundary of Highway 162, 40' right of centerline, to the northwest corner of this Tract and the True Point of Beginning;

Thence S.5°10'05"E., 444.72' to the south boundary of the NE1/4 NW1/4 of said Section 22;

Thence, leaving the said east Highway boundary and along the south boundary of the NE1/4 NW1/4 of said Section 22, N.89°36'41"E., 482.45' to an extended north-south fence at the southeast corner of this Tract;

Thence, leaving the south boundary of the NE1/4 NW1/4 of said Section 22 and along the existing fence, N.2°35'23"W., 443.50' to the northeast corner of this Tract;

Thence S.89°36'41"W., 502.47' to the to the True Point of Beginning;

CONTAINING: 5.010 Acres;

TOGETHER WITH a 50 foot wide access and utility easement centered upon the following described line:

Commencing at the most northern corner of Tract 1;
Thence southerly 90.00' along the east right-of-way boundary of Highway 162 on a curve to the right, having a Radius of 2925.00', Delta Angle of 1°45'47", and a Chord of S.9°28'37"W., 89.996', to the True Point of Beginning of this easement;
Thence S.18°57'10"E., 196.54';
Thence S.54°55'58"E. to a point from which the southwest corner of Tract 3 bears N.35°04'02"E., 25.00';
Thence through Tract 1 to the north boundary of Tract 2, the location to be agreed upon by the owners of Tract 1 and 2.

ALSO KNOWN AS Tract 2;

ALL AS SHOWN ON Record of Survey #S-2511, on file at the Idaho County Recorder's Office.



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IDWR/North

