

10D#74

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.

- 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
74-453		☒			
74-454		☒			

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MAR 01 2010

Department of Water Resources
Eastern Region

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

- The appropriate **FILING FEE**. See instructions for fee amounts.
- 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**.
- 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**.

- Name and Address of Former Owner/Claimant(s)

James Wagner
216 Red Rock Songe RD Salmon ID 83467

- New Owner/Claimant(s)

Mark Yohman and Joe Bailey
Name Connector (Check one) ☒ and, ☐ or, ☐ and/or

New Mailing Address

1609 Mary St.

City, State and ZIP Code

Salmon, Idaho 83467

New Telephone Number

(208) 940-0860

- Date you acquired the property

12/30/09

SUPPORT DATA

IN FILE # 74-453

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JAN 15 2010

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>74-453</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>.06 cfs</u>	<u>2 ac</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>.06 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 <u>74-454</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>~~.60~~ .60 cfs</u>	<u>20 ac</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>.60 cfs</u>	

7.

Signature of New Owner(s) or Claimant(s) X Joe Bailey
(include title if applicable) X Mark Y. Homan

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>JPO</u>	Date <u>3-1-10</u>	Fee <u>\$200.-</u>
Received by <u>JPO</u>	Date <u>3-1-10</u>	Receipt No. <u>E035622</u>
Processed by _____	AJ Date _____	WR _____ Date _____

THIS deed is being re-recorded to
correct the legal description of
Parcel II



State of Idaho) SS No. 281731
County of Lemhi)
This instrument was filed for record at the request
of Alliance Title
at 12:30 o'clock P.m. 2009
and duly filmed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder -
By Lynne Cardin Deputy
Fee 9.00
Return to A.T.

WARRANTY DEED

Order No.:3070905322L-D

FOR VALUE RECEIVED

James Wagner, a married man as his sole and separate property
the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Mark Yohman and Joe Bailey, both single persons

whose current address is

1609 Mary St. Salmon, ID 83467

State of Idaho) SS No. 281847
County of Lemhi)
This instrument was filed for record at the request
of Alliance Title
at 1:00 o'clock P.m. 1-8 2009
and duly filmed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder -
By Lynne Cardin Deputy
Fee 13.00
Return to A.T.

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

PARCEL I

A PARCEL OF LAND LOCATED IN THE WEST HALF, SECTION 14, T. 20 N., R. 23 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION BEARS N 00°11'24"W A DISTANCE OF 2628.20 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N 11°41'22"E A DISTANCE OF 1090.66 FT. TO THE POINT OF BEGINNING;

THENCE EAST A DISTANCE OF 637.80 FT.;

THENCE SOUTH A DISTANCE 1046.61 FT.;

THENCE N 58°02'13"W A DISTANCE OF 280.50 FT.;

THENCE S 73°18'24"W A DISTANCE OF 570.46 FT.;

THENCE N 07°20'56"E A DISTANCE OF 86.19 FT.;

THENCE N 50°15'51"E A DISTANCE OF 53.11 FT.;

THENCE N 15°17'18"E A DISTANCE OF 664.94 FT.;

THENCE N 20°49'53"W A DISTANCE OF 184.45 FT. TO A POINT IN AN EXISTING FENCE;

THENCE N 06°38'44"W ALONG SAID FENCE A DISTANCE OF 129.57 FT. TO THE POINT OF BEGINNING.

PARCEL II See attached Exhibit "B"

~~A PARCEL OF LAND LOCATED IN THE WEST HALF, SECTION 14, T. 20 N., R. 23 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;~~

~~COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14 FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS S 00°11'24"E A DISTANCE OF 2628.20 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S 00°11'24"E ALONG THE WESTERLY BOUNDARY OF SAID SECTION A DISTANCE OF 185.12 FT. TO A POINT ON AN EXISTING FENCE LINE EXTENDED; THENCE N 54°35'30"E ALONG SAID FENCE LINE A DISTANCE OF 17.27 FT. TO THE POINT OF BEGINNING;~~

~~THENCE CONTINUING THE FOLLOWING COURSES AND DISTANCES ALONG SAID FENCE LINE:~~

~~N 54°35'30"E~~	~~182.16 FT.;~~	~~N 69°20'27"E~~	~~39.68 FT.;~~
~~N 69°02'21"E~~	~~32.69 FT.;~~	~~N 80°34'08"E~~	~~41.10 FT.;~~
~~N 89°06'46"E~~	~~113.67 FT.;~~	~~S 83°02'20"E~~	~~25.85 FT.;~~
~~S 56°20'55"E~~	~~16.60 FT.;~~	~~S 40°08'53"E~~	~~85.24 FT.;~~
~~S 30°49'05"E~~	~~31.54 FT.;~~	~~S 20°50'48"E~~	~~168.21 FT.;~~
~~S 28°41'15"E~~	~~38.05 FT.;~~	~~S 40°38'06"E~~	~~268.40 FT.;~~

N 79°04'41" E — 68.71 FT.; — N 75°02'53" E — 240.43 FT. TO A POINT
 ON THE CENTERLINE OF THE LEMHI RIVER;
 THENCE S 61°17'00" E ALONG SAID CENTERLINE A DISTANCE OF 1163.49 FT.;
 THENCE S 31°10'23" W A DISTANCE OF 303.60 FT.;
 THENCE WEST A DISTANCE OF 1529.48 FT. TO A POINT IN AN EXISTING FENCE
 LINE;
 THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID FENCE
 LINE;
 N 04°41'11" W — 328.56 FT.; — N 06°29'57" W — 504.17 FT.;
 N 08°41'49" W — 379.36 FT.; — N 17°39'57" W — 184.52 FT.;
 N 19°42'04" W — 59.31 FT. TO THE POINT OF BEGINNING.

SUBJECT TO ANY AND ALL EASEMENTS EXISTING OR OF RECORD.

PARCEL III

A 40.00 FT. WIDE EASEMENT WEST OF THE FOLLOWING DESCRIBED
 LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, RUN
 THENCE N. 47° 23' 56" W. A DISTANCE OF 1981.80 FT. TO A POINT AT THE
 END OF AN EXISTING COUNTY ROAD AND THE EASTERLY RIGHT OF
 WAY OF SAID EASEMENT AND THE POINT OF BEGINNING.

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID
 EASEMENT:

S. 44° 51' 42" E. 234.71 FT.; S. 30° 04' 48" E. 390.71 FT.;
 S. 50° 06' 01" E. 451.71 FT.; S. 64° 27' 27" E. 199.85 FT.;
 S. 40° 53' 47" E. 803.80 FT.; S. 43° 19' 36" E. 115.83 FT.;
 S. 17° 38' 28" E. 184.57 FT.; S. 08° 41' 58" E. 379.49 FT.;
 S. 06° 30' 18" E. 504.29 FT.; S. 04° 45' 20" E. 422.47 FT.;
 S. 10° 16' 37" W. 916.01 FT.; S. 29° 37' 36" W. 138.01 FT.;
 S. 31° 37' 59" W. 87.77 FT. TO A POINT ON THE WESTERLY BOUNDARY OF
 SAID SECTION 14.

SEE ATTACHED EXHIBIT "A" DEED RESTRICTIONS

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.

Dated: 12-18-09

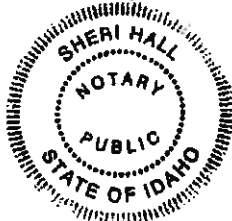
James Wagner
 James Wagner

State of Idaho

County of Lemhi

On this 18 day of December, in the year 2009, before me, a Notary Public in and for said state, personally appeared James Wagner known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Sheri Hall
 Notary Public for the State of Idaho
 Residing at: Salmon
 Commission Expires: 4/24/2015

EXHIBIT "A"

DEED RESTRICTIONS

1. All lots shall be residential/agricultural. No structure shall be erected, altered, placed or permitted to remain on any portion of these lands other than a single family dwelling, private garage and other such outbuildings as may be incidental to the residential/agricultural use of the land.
2. All lots shall have individual water and sewage systems. All utilities shall be buried underground. Before construction can begin, approval must be obtained from District 7 Health Department.
3. No building shall be erected, altered or permitted thereon which exceeds two and one half stories in height. No building shall be located on any lot nearer than thirty (30) feet to any internal boundary line. No mobile homes allowed. Modular homes shall be allowed provided that the width of said modular is no less than 24 feet; the exterior finish and roofing shall be finished as a standard stick-built house including a pitched roof; the modular home shall be placed on a permanent foundation. No metal siding and certain types of plywood not intended for siding are not allowed. No used modular homes shall be permitted.
4. All outer structures, i.e., barns, sheds and other outbuildings, shall be constructed of materials similar to residences.
5. If you do not want animals or livestock on your parcel you must fence them out.
6. No trash, garbage, ashes, refuse or other remains of any kind (including disabled vehicles, see below) , shall be thrown, dumped, placed, disposed of or permitted to remain on any lot whether vacant or otherwise. The owner of any lot, regardless of fault, shall be responsible for the prompt removal of all trash, garbage, solid waste, ashes, refuse, ruins and other remains. No noxious, illegal or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which is or may become an annoyance or nuisance to the neighborhood. No storage of old cars, machinery, tractors, or "junk" shall be stored in such a manner that it may be seen from other lots.
7. The responsibility for the cost of the access road will be assumed by all lot owners. Each owner shall pay a proportionate share of road maintenance, repair and upkeep costs according to lot size.
8. No lot/parcel shall be re-split.

281847

EXHIBIT "B"

PARCEL II

A PARCEL OF LAND LOCATED IN THE WEST HALF, SECTION 14, T. 20 N., R. 23 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION BEARS N 00°11'24"W A DISTANCE OF 2628.20 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N 11°41'22"E A DISTANCE OF 1090.66 FT. TO THE POINT OF BEGINNING;

THENCE N 06°38'44"W A DISTANCE OF 50.00 FT.;

THENCE EAST A DISTANCE OF 1529.48 FT.;

THENCE S 31°10'21"W A DISTANCE OF 1399.14 FT.;

THENCE N 58°02'13"W A DISTANCE OF 190.58 FT.;

THENCE NORTH A DISTANCE OF 1046.61 FT.;

THENCE WEST A DISTANCE OF 637.80 FT. TO THE POINT OF BEGINNING.

Not the record
see Dead
attached

Place of Use for 74-474

Place of Use for 74-454

☐ Place of Use for 74-453

 Mark Yohman and Joe Bailey

☐ Township/Range

Sections

22

Taxlots

Right POD

Layout Created by:

Jonie Barg

Date:

January 21, 2010

