

January 12, 2010

STEPHEN & MARY OSBORNE
RT 1 BOX 64
KAMIAH, ID 83536

RE: CHANGE OF OWNERSHIP FOR WATER RIGHT 84-12121

In Feb. 2004 you submitted an ownership change form for the above water right. In Sept. 2009 a letter was sent to you from the Department requesting a signed Warranty Deed.

We have received no documentation so I am returning the Change of Ownership form and the documentation we received with it and the ownership change will not be processed.

If you would like a refund of the fees paid, please submit a request to the Department along with your current address, receipt number (CO75649) and approximate date the fees were submitted.

If you would like to proceed with the change of ownerships, you may at any time resubmit the proper forms and documentation plus fees.

Sincerely,

Sandy Egbert
GIS Specialist

Enclosures

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

RECEIVED

NOV - 3 2004

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
84-12121	-	yes			

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) Owen Sexton Ruth Sexton
526 Preston Ave Lewiston ID 83501-4327
4. New Owner/Claimant(s) Stephen D. Osborne +/r Mary G. Osborne
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address RT 1 Box 64
- City, State and ZIP Code Kamiah ID 83536
- New Telephone Number (208) 935-1282
5. Date you acquired the property 6-20-00

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	.01	15 head
Domestic	.04	1 home
Other	_____	_____
Total	.05	see attached report (A)

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)
(include title if applicable)

Stephen D. Osborne
Mary D. Osborne

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>MC</u>	Date <u>11-3-04</u>	Fee <u>\$100.00</u>	
Receipted by <u>MC</u>	Date <u>11-3-04</u>	Receipt No. <u>CD75649</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

COPY

WARRANTY DEED

For good and valuable consideration, KIM E. McLAUGHLIN and SHERRY D. McLAUGHLIN, husband and wife, as GRANTORS, do hereby grant and convey unto STEPHEN D. OSBORNE and MARY G. OSBORNE, husband and wife, whose address is: Route 1, Box 5k-57, Grangeville, ID 83530, as GRANTEES, the following described real property situate in Idaho County, State of Idaho, to wit:

SEE EXHIBIT "A"
ATTACHED HERETO AND INCORPORATED
HEREIN BY REFERENCE

SUBJECT TO:

1. Taxes for 2000 which are an accruing lien and not yet due and payable; and
2. County Road Right-of-Way over and across the West boundary of the subject land; and
3. Agreement, dated February 11, 1998, by and between John E. Solberg and Shirley A. Solberg, husband and wife, and Owen Sexton and Ruth Sexton, husband and wife, including the terms and conditions thereof, recorded March 9, 1998, as Instrument Number 398695, records of Idaho County, Idaho; and
4. Timber Deed, dated February 15, 2000, by and between Kim E. McLaughlin and Sherry D. McLaughlin, husband and wife, and Empire Lumber Company, a Washington corporation, dba Kamiah Mills, including the terms and conditions thereof, recorded March 3, 2000, as Instrument No. 0410870, records of Idaho County, Idaho; and
5. Notice of Timber Sale Agreement, by and between Kim E. McLaughlin and Sherry D. McLaughlin, husband and wife, and Empire Lumber Company, a Washington corporation, dba Kamiah Mills, including the terms and conditions thereof, recorded March 3, 2000, as Instrument No. 0410871; and
6. Matters as shown on Survey recorded June 18, 1998, as Instrument No. 400457, records of Idaho County, Idaho; and
7. Easements, interests, restrictions and encumbrances of record or in use.

GRANTORS further agree and warrant that GRANTORS shall pay and be solely liable for any and all taxes, assessments, claims and expenses arising directly or indirectly from timber harvested from the subject premises by GRANTORS, their agents, contractors, and assignees other than GRANTEES, including but not limited to all timber harvested from the subject premises, before and after the date of this Warranty Deed, pursuant to Instrument Nos. 0410870 and 0410871, recorded in Idaho County as above-described. GRANTORS shall pay the same before they are delinquent, and shall indemnify, defend and hold harmless GRANTEES from any taxes, assessments, claims, liens and expenses arising therefrom. If delinquent, GRANTEES shall have the right to pay any such taxes, assessments, claims, liens and expenses arising therefrom and may offset/setoff any amounts so paid against any amounts due and owing from GRANTEES to GRANTORS.

TO HAVE AND HOLD the premises, with all appurtenances, to GRANTEES, and their heirs, successors and assigns forever. GRANTORS do hereby covenant that GRANTORS are the owners of said property in fee simple; that the premises is free from encumbrances except as set forth herein-above, and that GRANTORS will defend the same from all lawful claims except general taxes for the year 2000 and the above-stated encumbrances.

DATED this _____ day of _____, 2000.

GRANTORS:

KIM E. McLAUGHLIN

SHERRY D. McLAUGHLIN

PLE

STATE OF OREGON)
 : ss.
County Of _____)

On this _____ day of _____, 2000, before me personally appeared KIM E. McLAUGHLIN and SHERRY D. McLAUGHLIN, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year first written above.

Notary Public, in and for the
State of Oregon, residing at
_____, therein.
My Commission Expires: _____

EXHIBIT "A"
McLAUGHLIN/OSBORNE
Property Description

Township 33 North, Range 4 East, Boise Meridian, Idaho County, Idaho
Section 2: That part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ LESS the West 52 feet and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying
West of the County Road right of way and North of the following described fence line;
Commencing at the Southeast Corner of the S $\frac{1}{2}$ SW $\frac{1}{4}$, said Section, Township and Range;
Thence N10°38'24"E, 1,323.57 feet to a 5/8"x30" Rebar with a Plastic Cap on the
Westerly boundary of the County Road Right-of-Way, the TRUE POINT OF
BEGINNING;
Thence N89°13'56"W, 458.55 feet;
Thence S89°56'38"W, 687.68 feet;
Thence N89°29'19"W, 621.89 feet;
Thence N89°30'47"W, 1084.87 feet;
Thence S04°41'16"W to the Section Line and the POINT OF TERMINUS, as described
in an AGREEMENT recorded March 9, 1998 as Instrument Number 398695 and shown
on a Record of Survey recorded June 18, 1998 as Instrument Number 400457, all records
of Idaho County, Idaho.

[END OF DESCRIPTION]

Stephen D. Osborne

84-12121

