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SEP 14 2005

Form 12-14063-1 (07/01) July, 2003

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

RECEIVED
SEP 12 2005
Department of Water Resources
Southern Region

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
72-00016A	split into	X			
	72-16674				
	72-16679				

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) Carolyn D Hale (Lucille Webb Estate)
25010 Signal Butte Rd Queen Creek, AZ 85242
4. New Owner/Claimant(s) Gary and Beverly Hanson
Name Connector (Check one: [] and, [] or, [] and/or)
- New Mailing Address P.O. Box 840
- City, State and ZIP Code Yerington, NV 89447
- New Telephone Number (775) 463-3938 (h) 775-463-3377 o/c
5. Date you acquired the property 12/27/04

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>72-00016 A</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>4.9 Acres</u>
Stock		
Domestic		
Other		
Total	<u>4.9 A</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)
(include title if applicable)
- Gary Hansen
Beverly Hansen

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>9/13/05</u>	Fee <u>\$100-</u>
Received by <u>S/O</u>	Date <u>11/3/05</u>	Receipt No. <u>1079536</u>
Processed by <u>AJ</u>	Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received CAROLYN D. HALE, the Grantor, does hereby grant, bargain, sell and convey unto GARY HANSON AND BEVERLY HANSON, Co-Trustees of the Gary Hanson and Beverly Hanson Family Trust dated July 25, 1997, the Grantees, whose current address is P.O. Box 840, Yerington, Nevada 89447, the following described premises, in Custer County, Idaho, to-wit:

A parcel of land located SE $\frac{1}{4}$, Section 3, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at the South quarter corner of said Section 3 from which the Southwest corner of said section bears South 89°35'24" West, 2630.95 feet, the Basis of Bearing of this description, run thence North 00°02'55" East, a distance of 1644.14 feet; thence North 58°24'37" East, a distance of 259.41 feet; thence South 16°37'20" East, a distance of 1059.03 feet to a point on the centerline of Challis Creek; thence South 00°08'10" West, a distance of 762.96 feet to a point on the Southerly boundary of said Section 3; thence South 89°44'57" West along said boundary 523.50 feet to the Northwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10; thence North 00°02'55" East, 1644.14 feet to the POINT OF BEGINNING.

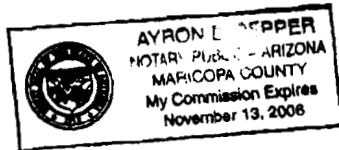
TOGETHER WITH: a 50 foot wide easement for ingress and egress along the Westerly boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 to the county road as shown on the Record of Survey, filed May 28, 2002, as instrument No. 224944, records of Custer County, Idaho.

TOGETHER WITH: a 50 foot easement for ingress and egress lying East of the West line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Township 14 North, Range 19 East, Section 10.

TO HAVE AND TO HOLD the said premises, with her appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that she is free from all encumbrances excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: This 11 day of DECEMBER, 2004.


CAROLYN D. HALE

STATE OF: ARIZONACounty of: MARICOPA SSOn this 16 day of
DECEMBER, 2006, before
me, a Notary Public, per-
sonally appearedCAROLYN D. HALEknown or identified to me to
be the person(s) whose name(s)
are subscribed to the within
instrument, and acknowledged to
me that She executed the same.Amynd PepperNotary Public for MARICOPAResiding at CHANDLER, AZCommission Expires 11/13/2008

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for
record at the request of CCT
at 35 minutes past 10
o'clock A.M., this 27 day of DEC
2006, in my office.Ethel M. Leck

Ex-Officio Recorder

BY Ruth Brunk

Deputy

Fee: \$ 6.00Mail to: CCT

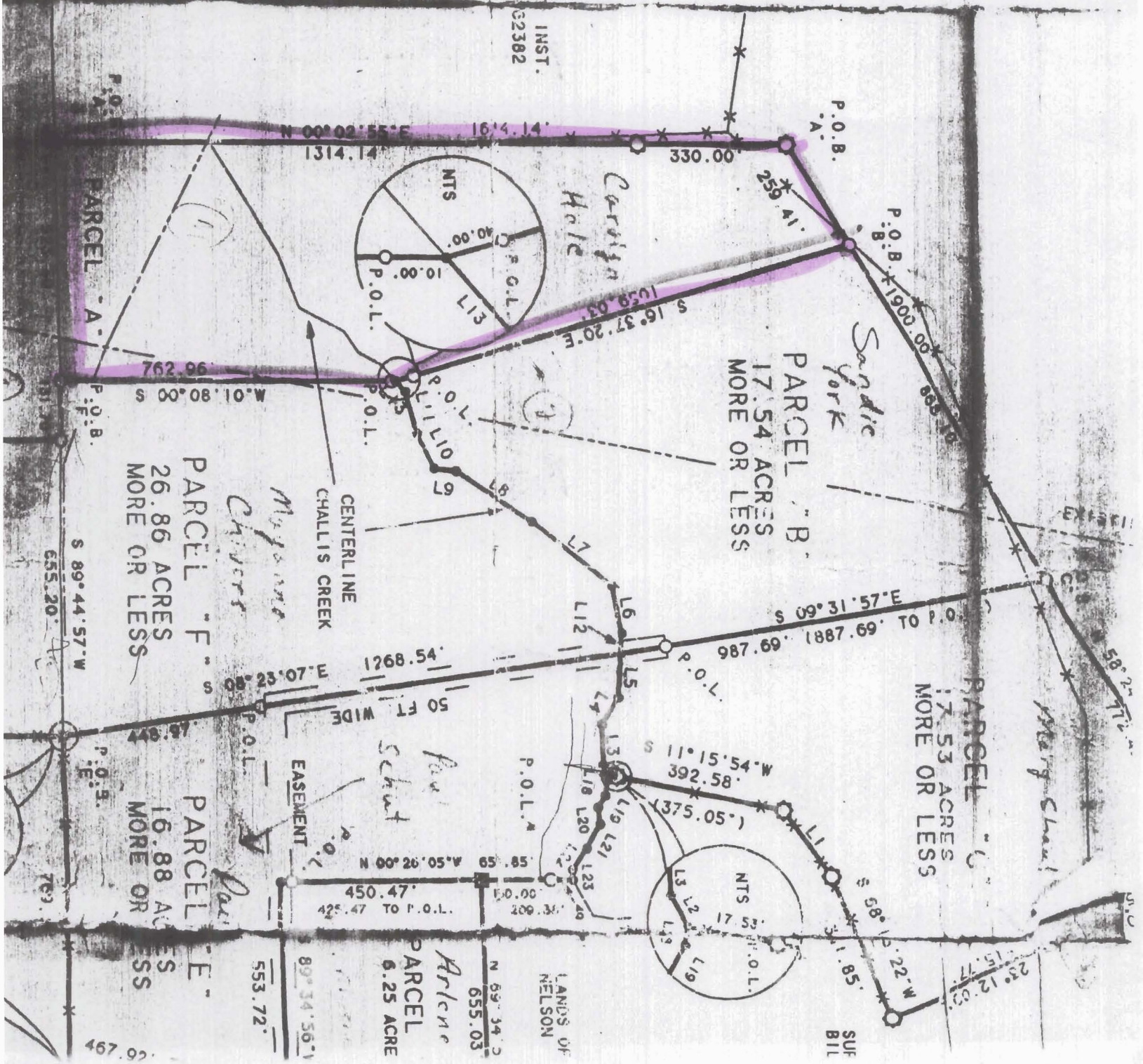
M

1" = 300.00'

BEARING	DISTANCE
53° 59' 10" W	177.33'
62° 15' 58" W	22.89'
89° 12' 31" W	90.55'
58° 38' 59" W	69.70'
86° 29' 40" E	98.39'
79° 28' 50" W	07.13'
38° 40' 04" W	225.30'
32° 59' 24" W	204.96'
07° 49' 00" W	49.04'
54° 34' 39" W	35.14'
74° 42' 20" W	95.08'
36° 28' 40" E	44.00'
46° 27' 02" E	31.60'
80° 55' 32" E	46.47'
59° 23' 28" E	32.01'
33° 55' 50" E	35.65'
60° 34' 35" E	62.40'
54° 38' 24" E	56.63'
89° 34' 53" E	22.38'

R.O.C. INST.
NO. 62382

BASIS OF BEARING
S 09° 35' 24" W
2630.95'



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-16A

WATER RIGHT NUMBER 72-16A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PAUL SCHUT RT 1 BOX 474 ARCO, ID 83213 (208)527-3715
Current Owner	LUCILLE WEEB RT 1 BOX 474 ARCO, ID 83213 (208)527-3715

Priority Date: 05/01/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CHALLIS CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.325 CFS	
	<u>Total Diversion</u>	0.325 CFS	

Location of Point(s) of Diversion

CHALLIS CREEK	NW 1/4 NE 1/4 NW 1/4	Sec. 3	Twp. 14N	Rge. 19E	S.M.
CUSTER County					
CHALLIS CREEK	SE 1/4 SE 1/4 SE 1/4	Sec. 4	Twp. 14N	Rge. 19E	S.M.
CUSTER County	(Red version)				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	3																	29.0

Total Acres: 29

Conditions of Approval:

1. C18 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. SECTION 42-1412(b), IDAHO CODE.
2. THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-C

Remarks:

72-00016A
Split Analysis

C 8.3

#3

B
7.8

A
4.9

14 N 19 E Sec 3 SWSE

72-00016A enlarged to 300' : 1"

Water Resources
Field Services
208 662 1667

Split of A72-00016A, A72-00019C

Parcel A Carolyn D. Hale
25010 Signal Butte Rd
Queen Creek AZ 85242

Parcel B Sandra M. York
315 Luv Place
Idaho Falls ID 83406

Parcel C Mary A. Shaul
2317 East 49th North
Idaho Falls ID 83401

Parcel D, Arlene L. Nelson
tax-lot 7811 HC 61 Box 3025
Challis ID 83226

Parcel E Paul H. Schut
Rt 1 Box 474
Arco ID 83213

Parcel F Mayanna J. Chivers
30 South Leroy Lane
Nampa ID 83687-8737

Procedure

I copied and enlarged the GIS Place of Use Presentation maps (layouts) to 300':1" scale to correspond to the Record of Survey map. Overlaying the copies on a light source, I traced the parcel boundaries and created the split analysis maps. The alignment was based on the north-south center section line and the south-west quarter corner (marked with a pink "X" on each map).

Using Parcel "D" to calibrate a transparent dot sheet, I counted dots to determine acreage within each parcel, for each water right. The irrigated area for 72-00019C approximately matched the decreed area, but the measured area for 72-00016A was about 25% too large. I calibrated a transparent square grid to Parcel "D" and repeated the count, getting very similar results. I noted that parcels labeled "#1," "#2," "#3," and "#4" appear to be included in the water-right place of use but are not within the parcels mapped on the Record of Survey. Note also that there appears to be a discrepancy in the alignment of the aerial photo, tax-lots, and/or public land survey grid (see the arrows in black marker on the aerial photo, and mark #4 on the 72-00019C split analysis map).

72-00016A

Based on the appearance of the aerial photo, the acreage discrepancy, and the possibility of mis-alignment of GIS data, I conclude that area #3 is a discrepancy and that the entire water right should be assigned to Parcels A, B, and C. I assume that the discrepancy in acreage is due to a difference between the GIS illustration and the actual water right. This may be because the decreed acreage is based on water-right analysis of the parent right from which 72-00016A was split, and the GIS shapefile was drawn without benefit of property lines or tax-lot information. The decreed 21 acres have been split proportionally to the three parcels according to the ratios of the dot-count acres.

72-00019C

I have assumed that the strip of land labeled "#4" is a discrepancy and does not represent a part of this water right. After conferring with Sandie York I believe that the irrigation labeled "#1" and "#2" should receive a part of this water right and should be considered in the split. This appears to be part

of the parcel labeled "7811" on the tax-lot drawing and belongs to Arlene Nelson, who also owns Parcel D. Ms. York will attach a copy of the deed for 7811 to the change-of-ownership packet.

Because all of Parcel "D" is within the decreed place of use, I have based its split acreage on its surveyed acreage (6.25 acres). Since water rights are typically described only to 1/10 of an acre, and there is likely some non-irrigated area within the parcel, I have rounded its water-right acreage down to 6.2 acres. The remaining acreage I have apportioned among the other parcels proportionate to their dot counts.

Diversion Rates

I have divided diversion rates proportionally to the acreage. While this makes sense from a water-rights standpoint, it does not make sense for administration or water delivery. The resulting diversion rates are too small to separately administer, deliver, or use. To actually irrigate, the owners will have to cooperate in a shared ditch with water-right rotation, or convert to sprinkler irrigation.

To clarify the need and intent for water-right rotation, the applicants may wish to request a condition allowing the full original diversion rate on each individual right, with a condition limiting the combined diversion of all the rights to the original rate. This may require a water-rights transfer. A condition might read something like:

"Up to X cfs may be diverted under this right, provided that the combined diversion rates of rights A, B, C, D, etc. shall not exceed X cfs at any time."


Bryce A. Contor