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October 22, 2007

Denise Buffington
Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

OCT 23 2007

WATER RESOURCES
WESTERN REGION

Re: Change in Ownership of Water Right Nos. 63-3449 and 63-7819B

Dear Ms. Buffington:

This letter is in follow up of our telephone conversation of October 19 regarding the two water rights listed above. You had returned to me the Notice of Change of Ownership of the above water rights in your letter of October 17, 2007. I am re-enclosing the original of that Notice along with the Deed you also sent back to me.

Your letter stated that there was insufficient proof of ownership. The Deed is a transfer of the land to Ms. Sweeney by me as personal representative of Ms. Schrite's estate. Title to the real property is in Ms. Sweeney.

Ms. Leslie Rivers had written me June 16, 2007, asking for a copy of the Deed along with a map. I assume that your office was concerned because the Deed referred to two patented placer mining claims, Stierman No. 1 and Stierman No. 2, without reference to township and ranges. The property lies within Section 25, T.5N., R.4E., B.M., Boise County, Idaho. Some explanation is probably in order.

So that you might follow the explanation, I have enclosed a copy of the portion of the U.S. Mineral Survey No. 1629 which relates to this property which was signed by the U.S. Surveyor General's office in June, 1901, along with a copy of the Segregation Plat of that same office signed January, 1907, and an enlargement of U.S. Mineral Survey No. 1629 as it relates to the Stierman No. 1 and Stierman No. 2 patented placer mining claims on which I have made a number of notations. Once the mining claims were patented, most of the fractional sections in Section 25 ceased to exist and were replaced by U.S. Government Lots and by the Plat of the placer claims. The land involved is technically part of U.S. Mineral Survey No. 1629 and not part of any fractional section or any U.S. Government Lot. From the Segregation Plat you can see how the government separates the Mineral Survey from the Government Lots. On the enlarged version of the Plat for the Stierman No. 1 and

✓ Spoke to Mr. Collins — deed is ok.

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Stierman No. 2 patented placer mining claims I have indicated the approximate location of the U.S. Government Lots, the place of use and the point of diversion. The real property described in the Deed is that outlined in "yellow". I have also enclosed a copy of the plat of the private Stierman Ranch Subdivision which is identified in the Deed as Parcel A. The other exclusions, Parcels B and C, are by metes and bounds descriptions. If the Mineral Survey and the U.S. Government Lots did not exist, the property where the place of use is located would likely lie within the following fractional sections: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T.5N., R.4E. However, as I point out, those fractional sections technically do not exist and the property does not lie within any of the U.S. Government Lots. The property has its own legal description without reference to the U.S. Government Lots and without reference to fractional sections.

If this letter and the enclosures create additional questions, please give me a call.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:mrs
enclosures