



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

October 5, 2007

DARYL K MULLINIX  
521 PARK ST  
GRANGEVILLE ID 83530

RE: Change in Ownership for Water Right No. 79-10354

Dear Interested Parties:

The Department of Water Resources received a Notice of Change in Water Right Ownership on June 6, 2007. After reviewing the documents submitted, it was noted that the appropriate filing fee was not included. A letter was sent to you on June 7, 2007 regarding this matter.

Effective July 1, 2000, there is a filing fee of \$25 per water right, in which the Partial Decree has been issued by the SRBA Court. The partial decree has been issued on the water right referenced above. We are returning the Notice and its attachments, as we have not received the appropriate filing fee. Copies of your ownership change request information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required support data we will be able to review &/or complete the request for you.

If you have any questions regarding this matter, please call this office at (208) 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is written in a cursive, flowing style.

Denise Buffington  
Administrative Assistant

Enclosure

# 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.

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 79-10354              |                              |       |                       |                              |       |
| <del>79-10354</del>   |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) Greenco II INC  
910 N D ST, GRANGEVILLE, ID
4. New Owner/Claimant(s) Daryl E. Mallinix  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 521 Park St.
- City, State and ZIP Code Grangeville ID 83530
- New Telephone Number (208) 983-2408
5. Date you acquired the property 2001

OK to change  
ownership when  
fee comes in.

**RECEIVED**  
**JUN 6 6 2007**  
WATER RESOURCES  
WESTERN 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>79-10354</u> |                                                                            |                                                              |
| Water Use                                                    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                   | _____                                                                      | _____                                                        |
| Stock                                                        | <u>0.04 CFS</u>                                                            | <u>500 Range Cattle</u>                                      |
| Domestic                                                     | _____                                                                      | _____                                                        |
| Other _____                                                  | _____                                                                      | _____                                                        |
| Total                                                        | <u>0.04 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 _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(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)

*David R. Melling*

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 _____  | Date <u>6-6-07</u> | Fee _____           |
| Received by _____  | Date _____         | Receipt No. _____   |
| Processed by _____ | AJ Date _____      | WR _____ Date _____ |

420709

**WARRANTY DEED**

|                            |          |
|----------------------------|----------|
| STATE OF IDAHO             |          |
| County of Idaho            |          |
| Recorded to Grantor's File |          |
| IDaho County # 111110      |          |
| at 4:25 p.m. on 1-22-02    |          |
| ROSE E. GEMMING            |          |
| By <u>Sandy Davis</u>      | Recorder |
| Fee \$ 18.00               | Deputy   |

COMPUTER [ ]  
INDEXED [ ]  
SCANNED [ ]

THIS INDENTURE, made on this 16<sup>th</sup> day of January, 2002, by and between GREENCO II, INC., an Idaho corporation, of 910 North D, Grangeville, ID 83530, hereinafter referred to as the Grantor, and DARYL K. MULLINIX and LINDA L. MULLINIX, husband and wife, of 521 South Park, Grangeville, ID 83530, hereinafter referred to as the Grantees.

**WITNESSETH:**

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and for and in consideration of the Grantor's participation in a Section 1031 Exchange under the terms of the Internal Revenue Code, and other good and valuable considerations to it in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents does grant, bargain, sell, convey, and confirm unto the said Grantees, their heirs and assigns, forever all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, which is attached hereto and hereby incorporated by this reference, in two pages.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantor.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns, forever.

And the said Grantor, for itself, its heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents it was well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same

*fm*

*WIT* *1/22/02*

are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, EXCEPT:

- 1) General taxes for the year 2002, which are a lien, not yet due and payable.
- 2) Subject to the terms and conditions thereof as set forth in Mining Deed, by and between The United States of America and Frank L. Bedford, Oliver O. Gordon, Frank F. McFarland, and Frank L. Taylor, recorded July 3, 1936, in Book 1 page 567, records of Idaho County, Idaho.
- 3) Easement, including the terms and conditions thereof, by and between Louis H. Weise and Maude Weise to Gem State Telephone Co., recorded June 7, 1965 under Instrument No. 219750 (no Book and page available), records of Idaho County, Idaho; and,

A Quitclaim Deed by and between GTE Northwest Incorporated, a Washington corporation, successors in interest, grantor, and Citizens Telecommunications Company of Idaho, a Delaware corporation, grantee, recorded March 15, 1994 under Instrument No. 373279; all records of Idaho County, Idaho.

- 4) Easement, including the terms and conditions thereof, by and between Doris Chaney to Gem State Telephone Co., recorded June 7, 1965 under Instrument No. 219751, in Book 103 page 92, records of Idaho County, Idaho; and,

A Quitclaim Deed by and between GTE Northwest Incorporated, a Washington corporation, successors in interest, grantor, and Citizens Telecommunications Company of Idaho, a Delaware corporation, grantee, recorded March 15, 1994, under Instrument No. 373279; all records of Idaho County, Idaho.

- 5) Subject to Restrictions in Warranty Deed to The State of Idaho, including the terms and conditions thereof, by and between Louis Weise and Maude Weise, husband and wife, to The State of Idaho, recorded October 18, 1967, under Instrument No. 228451, in Book 107 page 349, records of Idaho County, Idaho.
- 6) Subject to the terms and conditions in Right of Way Deed, by and between Maude Weise, a widow, and Ernest Robinson and Judith K. Robinson, husband and wife, recorded February 23, 1984 under Instrument No. 311544, records of Idaho County, Idaho.
- 7) Any claim arising from the difference in mean high water line of the Salmon River and the meander line as shown by Government Survey or the State of Idaho.
- 8) Rights and easements in favor of the public for recreational uses of the Salmon River.
- 9) Subject to the rights of owners of adjoining properties, claims, or locations to follow any lode or vein within the side or end lines of the premises in question, including, but not limited to, extralateral rights; and, subject to any loss incurred by the owners herein to damages for all losses suffered incident to the exercise or assertion of such right.
- 10) Subject to any loss incurred by owners from the lack of rights of owners to follow any lode or vein beyond the line of the premises in question, including, but not limited to, extralateral rights.

11) Matters as shown on S-1864, recorded June 19, 2001, under Instrument No. 417357, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantor will and shall WARRANT AND FOREVER DEFEND.

That this Deed is given by Grantor to Grantees not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

GREENCO II, INC.

By Kathryn Green  
KATHRYN GREEN, President

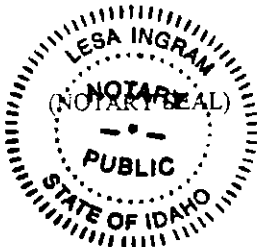
ATTEST:

David R. Green  
DAVID R. GREEN, Secretary

STATE OF IDAHO )  
County of Boyer )  
SS

On this 17<sup>th</sup> day of January, 2002, before me, a Notary Public in and for said County and State, personally appeared KATHRYN GREEN, President of Greenco II, Inc., known to me to be the person whose name is subscribed to the within instrument and she acknowledged to me that she freely executed the same for and on behalf of said corporation.

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



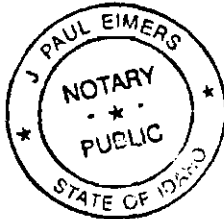
Lesa Ingram  
Notary Public for the State of Idaho,  
Residing at Boyer, therein.  
My commission expires 03-13-04.

STATE OF IDAHO                    )  
                                          ss  
County of Idaho                    )

On this 16<sup>th</sup> day of January, 2002, before me, a Notary Public in and for said County and State, personally appeared DAVID R. GREEN, Secretary of Greenco II, Inc., known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he freely executed the same for and on behalf of said corporation.

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

(NOTARY SEAL)



J. Paul Eimers  
Notary Public for the State of Idaho,  
Residing at Grangeville, therein.  
My commission expires 6-24-2005

SCHEDULE C

Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho  
Section 23: A Portion of Government Lots 5, 8 and 9, also being a portion  
of Horse Shoe Bend No. 2 and Horse Shoe Bend No. 3 Patented  
Placer Mining Claim and more particularly described as  
follows:

Commencing at the southwest corner of Lot 9, also being the SW 1/16  
corner of Section 23, a 1-1/2 inch aluminum cap on 24 inch long 5/8 inch  
rebar in place, thence N05°22'11"E, 1204.62 feet to a point on the left  
meander line of the Salmon River, THE TRUE POINT OF BEGINNING.

Thence along the left meander line of the Salmon River  
N60°09'11"E, 408.24 feet;  
Thence continuing along the left meander line of the Salmon  
River N78°18'52"E, 208.37 feet;  
Thence N45°39'50"E, 136.17 feet;  
Thence leaving the left meander line of the Salmon River  
S76°01'41"E, 110.41 feet to a monument;  
Thence S76°01'41"E, 813.14 feet to a monument;  
Thence S67°04'22"E, 80.51 feet to a monument;  
Thence S20°06'06"W, 103.75 feet to a Highway Monument;  
Thence S35°17'24"E, 28.37 feet to a monument;  
Thence S29°27'45"W, 150.68 feet to a monument;  
Thence S12°29'52"W, 104.88 feet to a monument;  
Thence S61°55'50"W, 99.20 feet to a monument;  
Thence S67°50'10"W, 24.29 feet to a monument;  
Thence S78°28'27"W, 281.97 feet to a monument;  
Thence S77°43'48"W, 216.96 feet to a monument;  
Thence S82°23'43"W, 132.50 feet to a monument;  
Thence S74°24'56"W, 149.09 feet to a monument;  
Thence N85°45'46"W, 98.42 feet to a monument;  
Thence S88°58'24"W, 127.46 feet to a monument;  
Thence N69°47'09"W, 216.72 feet to a monument;  
Thence N30°50'04"W, 346.26 feet to a monument;  
Thence N48°42'57"W, 40.11 feet to a monument;

SCHEDULE C  
(Continued)

Thence N00°00'00"E, 80.21 feet to the TRUE POINT OF  
BEGINNING.

LESS: A strip of land used for a road being 25 feet either side of the  
following described line:

BEGINNING at a point on the Westerly right of way line of  
the new location of U.S. Highway #95 at station 1003 + 86;  
and running thence S48°40'W, 559 feet; thence S70°21'W, 521  
feet; thence S52°00'W, 473 feet, more or less, to a point on the  
West line of Lot 9, Sec 23, Township 27 North, Range 1 East,  
Boise Meridian, said point being 25 feet South from the mean  
high water line of the Salmon River.



Diversion

Area being  
irrigated

reek  
ncy Airport

