

# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

## RECEIVED NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED  
JUL 24 2006  
IDWR/North

JUL 26 2006

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

DEPARTMENT OF  
WATER RESOURCES

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                    |
|-----------------------|------------------------------|--------------------------|-----------------------|------------------------------|--------------------------|
| ✓ 78-7044             | <u>DONE</u>                  | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
| PD 78-04074           |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |

### SUPPORT DATA

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

IN FILE # 78-4074

- 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)

Michael & Geraldine McCoy  
Hc 75 Box 3780 New Meadows Id 83652

4. New Owner/Claimant(s)

Martin McCoy or Diane McCoy-Andersen  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Hc 75 Box 378 New Meadows Id 83652

City, State and ZIP Code

New Telephone Number

208) 628-9217

5. Date you acquired the property

See enclosed paperwork.

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<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                                              | _____                                                                      | _____                                                        |

**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)

Matt McCay  
Sheryl Quade

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>JS</u> | Date <u>7/24/06</u> | Fee <u>\$50.00</u>               |
| Received by <u>JS</u> | Date <u>7/24/06</u> | Receipt No. <u>N 017771</u>      |
| Processed by _____    | AJ Date _____       | WR <u>30</u> Date <u>7.24.07</u> |

IDAHO COUNTY DISTRICT COURT  
FILED  
AT 10:18 O'CLOCK A.M.

W.C. MacGREGOR, ISB #687  
MacGREGOR & MacGREGOR, LLP  
416 West Main  
P. O. Box 463  
Grangeville, ID 83530  
Phone: 208-983-1740 or 983-0250

ROSE E. GEHRING  
CLERK OF DISTRICT COURT  
RITA HOLMAN DEPUTY

RECEIVED  
JUL 24 2006  
IDWR/North

Attorney for Personal Representative

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO**

|                             |   |                        |
|-----------------------------|---|------------------------|
| IN THE MATTER OF THE ESTATE | ) | Case No. CV 36046      |
| OF                          | ) | DECREE OF DISTRIBUTION |
| MICHAEL C. McCOY,           | ) |                        |
| Deceased.                   | ) |                        |

The petition of MARTIN McCOY for settlement and distribution of the above named estate having come before the Court, the Court makes the following findings of fact:

1. MICHAEL C. McCOY died testate on the 4th day of November, 2004. That the decedent was a resident of the State of Idaho, at the time of his death, and left an estate therein consisting of real and personal property.

2. That the decedent, MICHAEL C. McCOY, left a Last Will and Testament which has been proven and has been duly admitted to probate and accepted by the Court as the valid and existing Last Will and Testament of the decedent.

3. That after due notice as provided by law as the time set

1 for hearing upon the proving of that instrument submitted to the  
2 above entitled Court as the Last Will and Testament of the decedent  
3 and upon such proof having been made and such instrument having  
4 been admitted to administration by this Court and having been found  
5 to have been the Last Will and Testament of the decedent that  
6 thereupon and on the 12th day of January, 2005, upon proceedings in  
7 that behalf duly and regularly had herein, Letters Testamentary  
8 were issued by the Court to MARTIN McCOY, who has ever since said  
9 time been and now is the duly appointed, qualified and acting  
10 Executor and personal representative of the Estate of MICHAEL C.  
11 McCOY.

12 4. That thereafter, and pursuant to the hearing held on the  
13 12th day of January, 2005, the personal representative caused  
14 Notice to Creditors to be duly and regularly published in the Idaho  
15 County Free Press, a newspaper of general circulation published at  
16 Grangeville, County of Idaho, State of Idaho, for and in the time  
17 and manner required by law, to-wit: three (3) consecutive weeks.  
18 That due proof of publication of such notice was then made to this  
19 Court by the filing of an Affidavit of Publication and that the  
20 time for presenting claims that arose prior to the death of the  
21 decedent has expired.

22 5. That an Inventory and Appraisement was prepared of all the  
23 property and estate owned by the decedent at the time of his death.

24 6. That more than four (4) months have elapsed since the first  
25 publication of Notice to Creditors. The State of Idaho filed a  
26 Notice of Claim in the amount of \$11,613.39 and said claim has been  
27 paid in full as shown by the Release and Satisfaction of Claim  
28

1 which is filed herewith. The only thing remaining to be paid are  
2 the attorneys fees and costs of administration which will be paid  
3 at the time of closing, and said estate is in a condition to be  
4 distributed and closed.

5 IT IS HEREBY ORDERED AND DECREED:

6 1. The personal representative is directed to make distribu-  
7 tion of all of the real and personal property as set forth in the  
8 Last Will and Testament of the decedent to MARTIN McCOY, said  
9 property to include but is not limited to the following:

10 PERSONAL PROPERTY:

11 1983 Ford Nissan Pickup Extended Cab

12 1977 Cadillac Seville

13 US Bank Account #1-533-005605840

14 REAL PROPERTY:

15 In Idaho County, Idaho: T23N R1E Sec 33, Tax #34 being  
16 more particularly described in the attached Exhibit "A"  
17 which is by reference made a part hereof as though fully  
set forth.

18 2. That the acts of the Executor and his attorney and agents  
19 are approved and upon distribution as set forth above, the said  
20 Executor, his attorney and agents are discharged, released and  
21 absolved from any and all further responsibility or liability  
22 arising from their acts performed by the administration of this  
estate.

23 DATED this 29<sup>th</sup> day of June, 2005.

24  
25 **MICHAEL J. GRIFFIN**  
26 JUDGE  
27  
28

EXHIBIT "A"

Commencing at a point on the South line of said Section 33 which is 428.6 feet East of the SW corner of said Section and which point is also 20 feet from the edge of Indian Creek; thence following down the course of Indian Creek, but 20 feet from the edge thereof, N 49°45' E 106.4 feet to a rock fence on and along the Westerly side of the County road as now established in the SW1/4SW1/4 of said section; thence along the Western boundary of said road, N 27°03' W. 381.1 feet; thence N 49°04' W 118.9 feet to the true point of beginning of the tract herein described and conveyed; thence continuing N 49°04' W 186.9 feet; thence N 61°01' W 128.1 feet; thence N 40°56' W 290 feet; to the Western boundary of the Little Salmon River; thence southwesterly along the western boundary of river approximately 315 feet to a point that is N 40°56' E from the true point of beginning; thence S 40°56' W approximately 260 feet to the true point of beginning, and containing 2 acres more or less.

442409

DEED OF DISTRIBUTION

BY PERSONAL REPRESENTATIVE

RECEIVED  
JUL 24 2006  
DWR/North

THIS DEED, made by MARTIN McCOY, as personal representative of the estate of MICHAEL C. McCOY, deceased, grantor, to MARTIN McCOY, grantee.

WHEREAS, grantor is the qualified personal representative of said estate, filed as case number CV36046 in Idaho County, Idaho; and

WHEREAS, grantee is entitled to receive by conveyance the hereinafter described real property;

THEREFORE, for valuable consideration received, grantor conveys, grants, bargains, sells, confirms and releases to grantee, his heirs, successors and assigns forever, the following described real property in Idaho County, Idaho, to-wit:

T23N R1E, Section 33  
Tax #34 being more particularly described as follows:  
See attached Exhibit "A" which is by reference incorporated herein and made a part hereof,

together with its appurtenances.

IN WITNESS WHEREOF, the grantor has hereunto set its hand and seal in the day and year hereinabove first written.

Martin McCoy  
MARTIN McCOY  
Personal Representative  
Estate of Michael C. McCoy

|                                                     |          |
|-----------------------------------------------------|----------|
| STATE of IDAHO                                      |          |
| County of Idaho                                     |          |
| Recorded at request of <u>MacAnagor + MacAnagor</u> |          |
| at <u>3:55 P.M.</u> on <u>7-1-05</u>                |          |
| ROSE E. GEHRING                                     |          |
| By <u>Bette G. Brown</u>                            | Recorder |
| Fees \$ <u>9.00</u>                                 | Deputy   |

m/ pu

1 STATE OF IDAHO )  
2 County of IDAHO ) ss.

3 On this 29<sup>th</sup> day of June, 2005, before me, the undersigned a  
4 Notary Public in and for the State of Idaho, personally appeared  
5 MARTIN McCOY known to me to be the person whose name is subscribed  
to the within and foregoing instrument, and acknowledged to me that  
he executed the same.

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

8 Notary Public in and for the  
9 State of Idaho; Residing at  
Grangeville, therein. My  
commission expires: Oct. 1, 2010

10 **MAIL DEED TO:**

11 MARTIN McCOY  
12 PO Box 604  
Durham CA 95938

**MAIL TAX NOTICES TO:**

MARTIN McCOY  
PO Box 604  
Durham CA 95938

EXHIBIT "A"

Commencing at a point on the South line of said Section 33 which is 428.6 feet East of the SW corner of said Section and which point is also 20 feet from the edge of Indian Creek; thence following down the course of Indian Creek, but 20 feet from the edge thereof, N 49°45' E 106.4 feet to a rock fence on and along the Westerly side of the County road as now established in the SW1/4SW1/4 of said section; thence along the Western boundary of said road, N 27°03' W. 381.1 feet; thence N 49°04' W 118.9 feet to the true point of beginning of the tract herein described and conveyed; thence continuing N 49°04' W 186.9 feet; thence N 61°01' W 128.1 feet; thence N 40°56' W 290 feet; to the Western boundary of the Little Salmon River; thence southwesterly along the western boundary of river approximately 315 feet to a point that is N 40°56' E from the true point of beginning; thence S 40°56' W approximately 260 feet to the true point of beginning, and containing 2 acres more or less.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 78-04074

NAME AND ADDRESS: GEARLDINE MC COY  
MICHAEL C MC COY  
HC 75 BOX 3780  
NEW MEADOWS, ID 83654

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/19/1964

POINT OF DIVERSION: T23N R01E S33 SWSW Within Idaho County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE  | QUANTITY |
|-------------------------------|-----------------|----------------|----------|
|                               | Domestic 1 HOME | 01-01 TO 12-31 | 0.04 CFS |

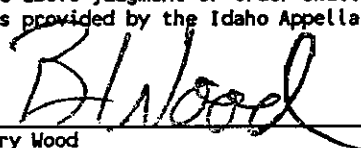
PLACE OF USE: Domestic Within Idaho County  
T23N R01E S33 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.  
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication