

3/23/2006

RECEIVED

APR 10 2006

DEPARTMENT OF
WATER RESOURCES

TO: Snake River Basin Adjudication Court
RE: Decreed Water Right 72-7184

This letter is to ask for a Motion to Set Aside; and to correct the place of use for above mentioned water right 72-7184. The point of diversion is correct; however; at some point in time the letters of the quarter/quarters were transposed and are incorrect. To further show the error, I am enclosing a map showing the quarter/quarters on the water right is not private land. It is all BLM land in the SWSE. The proper place of use is the NESE as shown on the enclosed map. Further, no water has been used on the SWSE by any of the previous owners or myself.

I am enclosing all deeds relevant to the matter starting from the original owner (Searles) that filed the water right in the beginning. This should help show the proper legal description and place of use. Please let me know if you need further information.

I appreciate your attention to this request and await your reply.

Regards,

Michael E. McGowan
HC 67 Box 2006
Challis, ID 83226
208-879-2006

cc:file

232554

WARRANTY DEED
IRC 1031

For Value Received NATE A. HOGGAN AND LYNDA HOGGAN, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto MICHAEL E. MCGOWAN AND CONNIE DEE MCGOWAN, husband and wife, the Grantees, whose current address is P.O. Box 76, Stanley, ID 83278, the following described premises, in Custer County, Idaho, to-wit:

A fraction of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the intersection of the Westerly right of way line of State Highway 75, (formerly U.S. 93), and the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along said North line 708.34 feet to the Northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence South along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1097.86 feet to the intersection of said West line and said right of way line, thence Northeasterly along said right of way line 1306.54 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are 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 they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 10th day of October, 2005.

Nate A. Hoggan
by Lynda Hoggan atty in fact
NATE A. HOGGAN

Lynda Hoggan
LYNDA HOGGAN

STATE OF IDAHO)

: ss

County of: Custer)

On this 13 day of October, 2005, before me, a Notary Public, personally appeared Nate A. Hoggan and Lynda Hoggan known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Patsy Kindt
Notary Public for Idaho
Residing at Challis
Commission Expires 3/24/10

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of CCT at 40 minutes past 3 o'clock P.M., this 13th day of Oct. 2005, in my office.

Ethel M. Peck
Ex-Officio Recorder

BY Ruth Brunken
Deputy

STATE OF IDAHO
COUNTY OF CUSTER

] ss.

F On this 13th day of OCTOBER in the year
N 2005, before me, a Notary Public, personally appeared

BARGAIN AND SALE DEED

This Indenture, made the **October 5, 1998**, between Key Bank of Idaho, the party of the first part and **NATE A. HOGGAN and LYNDA HOGGAN**, husband and wife, the party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of **SEVENTY FIVE THOUSAND and no/100 Dollars (\$75,000.00) Dollars**, lawful money of the United States of America to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to heirs and assigns, forever, all that certain lot, piece or parcel of land situated, lying and being located in the County of **Custer** and State of Idaho, particularly described as follows, to-wit:

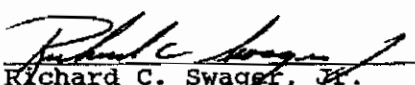
SEE ATTACHED EXHIBIT "A"

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title interest in said property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular the said premises together with the appurtenances, unto the said party(is) of the second part and to their heirs and assigns forever.

In witness whereof, the said party(is) of the first part has hereunto set their hand and seal the day and year first above written.

Key Bank of Idaho

BY: 

Richard C. Swager, Jr.
Assistant Vice President

ACKNOWLEDGMENT - Corporate

STATE OF Idaho, County of Ada, ss.

On this 5th day of October in the year of 1998, before me, Maureen J. Murphy-Daly, a notary public, personally appeared Richard C. Swager, Jr., known or identified to me to be the Assistant Vice-President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public: Maureen J. Murphy-Daly
Residing at Boise, Idaho
My Commission Expires: 6/1/2004

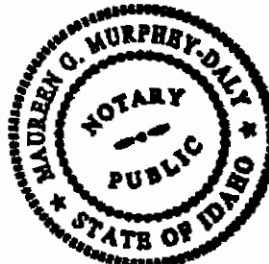


EXHIBIT A

A fraction of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the intersection of the Westerly right of way line of State Highway 75 (Formerly U.S. 93), and the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along said North line 708.34 feet to the Northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, then South along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1097.86 feet to the intersection of said West line and said right of way line, thence Northeasterly along said right of way line 1306.54 feet to the Point of Beginning.

COPY

0216134

WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, S&J Investments, L.L.C., an Idaho limited liability company, whose address is 685 First Street, Idaho Falls, Idaho 83401 (the "Grantor"), does hereby grant, bargain, sell, and convey the premises described in Exhibit A (the "Premises") unto KeyBank National Association, whose address is 702 W. Idaho Street, Boise, Idaho 83701 (the "Grantee").

TO HAVE AND TO HOLD the Premises, with their appurtenances unto the Grantee and its successors, and assigns forever. And the Grantor does hereby covenant to and with the Grantee, that it is the owner in fee simple of the Premises; that the Premises are free from all incumbrances, except that certain obligation owed to James Searles with an approximate balance of \$20,000 secured by a first deed of trust on the Premises, and that it will warrant and defend the same from all lawful claims whatsoever except for such obligation owed to James Searles.

THIS WARRANTY DEED, shall not be deemed accepted by Grantee until recorded with the Custer County, Idaho Recorder's office. In addition, Grantee's title shall not merge with the deed of trust executed by Grantor in favor of Grantee on the Premises, which deed of trust is recorded as instrument no. 211416.

DATED this 26th day of June, 1998.

S&J Investments, L.L.C.

M.N. Joe Camp, Jr.

By: M.N. Joe Camp, Jr.
Its: Managing Member

Sandee Camp
By: Sandee Camp
Its: Managing Member

216134
Custer County Reg. of
Custer County
Title
Time 11:37 A. .M.
7-14 1998
Ethel M Peck, Clerk

\$ 9⁰⁰ Deputy

216134

STATE OF IDAHO)
) : ss.
 County of BONNEVILLE)

On the 26th day of June 1998 before me, the undersigned notary public in and for said state, personally appeared M.N. Joe, Camp, Jr., known or identified to me to be a managing member of S&J Investments, L.L.C., the limited liability company that executed the within instrument or the person who executed the same on behalf of said the limited liability company, and acknowledged to me that said limited liability company executed the same.

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



Theresa R. Laman
 Notary Public for Idaho
 Residing at Idaho Falls
 Commission expires: 1-23-01

STATE OF IDAHO)
) : ss.
 County of BONNEVILLE)

On the 26th day of June 1998 before me, the undersigned notary public in and for said state, personally appeared Sandee Camp, known or identified to me to be a managing member of S&J Investments, L.L.C., the limited liability company that executed the within instrument or the person who executed the same on behalf of said the limited liability company, and acknowledged to me that said limited liability company executed the same.

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



Theresa R. Laman
 Notary Public for Idaho
 Residing at Idaho Falls
 Commission expires: 1-23-01

216134

EXHIBIT A

A fraction of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the intersection of the Westerly right of way line of State Highway 75 (Formerly U.S. 93), and the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along said North line 708.34 feet to the Northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, then South along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1097.86 feet to the intersection of said West line and said right of way line, thence Northeasterly along said right of way line 1306.54 feet to the Point of Beginning.

WARRANTY DEED

For Value Received JAMES F. SEARLES and PATRICIA SEARLES, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto MILTON N. JOE CAMP, presumptively an unmarried man, the grantee, whose current address is 387 Park Avenue, Idaho Falls, Idaho 83402, the following described premises, in Custer County, Idaho, to-wit:

A fraction of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the intersection of the Westerly right of way line of State Highway 75 (Formerly U.S. 93), and the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along said North line 708.34 feet to the Northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence South along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1097.86 feet to the intersection of said West line and said right of way line, thence Northeasterly along said right of way line 1306.54 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances save and 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 they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 3RD day of MAY, 1993.

JAMES F. SEARLES
PATRICIA SEARLES

STATE OF NEVADA)
County of CLARK)
On this 03rd day of
MAY, 1993, before
me, a Notary Public, per-
sonally appeared JAMES F. SEARLES, PATRICIA SEARLES

known or identified to me
to be the person(s) whose
name(s) are subscribed to
the within instrument, and
acknowledged to me that
he executed the same.

[Signature]
Notary Public
Residing at _____
Commission Expires _____

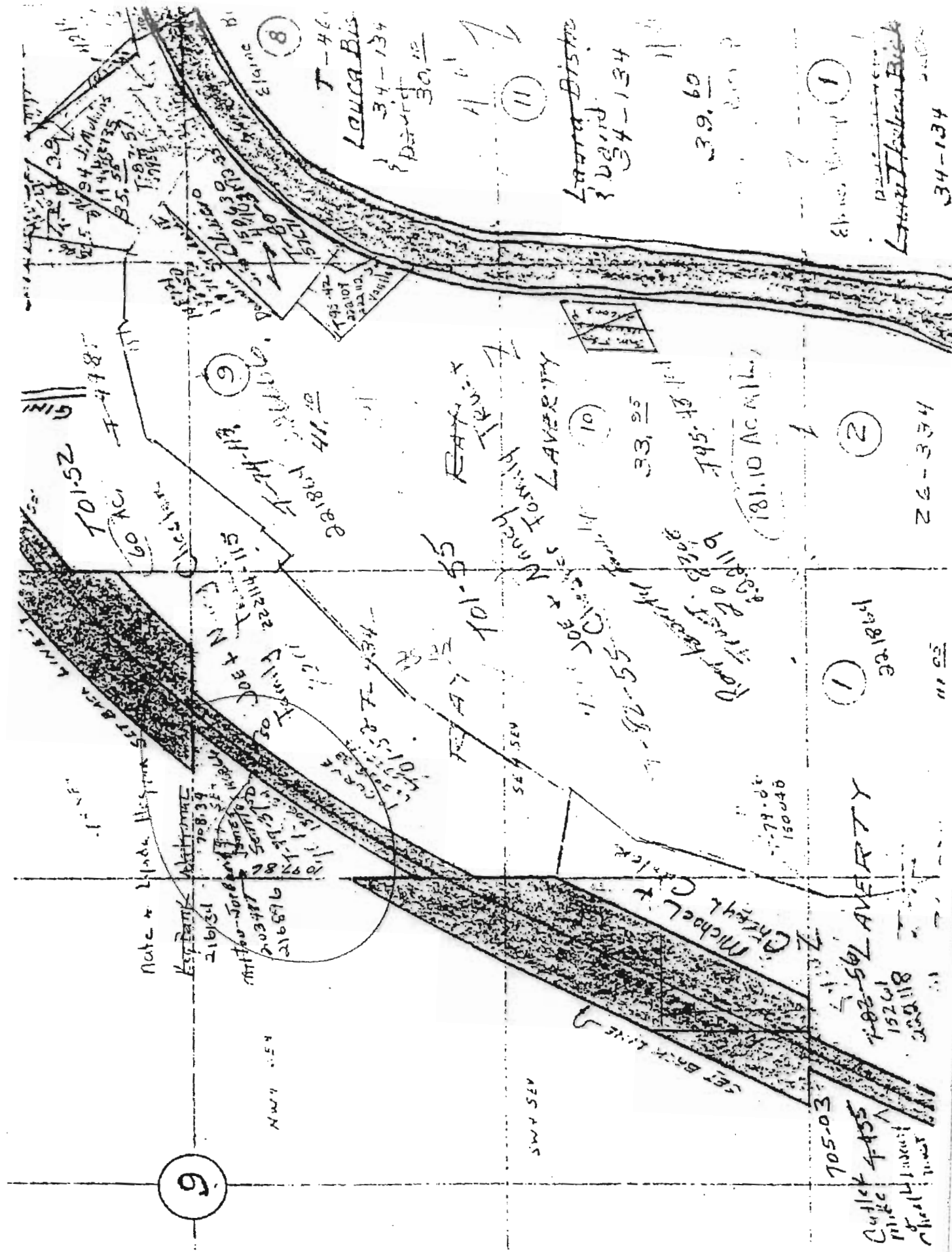
STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instru-
ment was filed for record at the
request of CLARK COUNTY TITLE
at 22 minutes past 9
o'clock A.M., this 03rd day of
MAY, 1993, in my office,
and duly recorded in Book _____
of Deeds at page _____.

Ethel M. Peck
Ex-Officio Recorder

BY Mary Adams
Deputy

Fee: \$3.00
Mail to:





IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. 72-07184

NATE A HOGGAN
LYNDA HOGGAN
PO BOX 1009
CHALLIS ID 83226

Priority Date: 06/07/1982
Stage: LICENSE

Source: SPRING
Tributary: SINKS

Beneficial Use	From:	To:	Diversion Rate	Volume
DOMESTIC	01-01	12-31	0.04 CFS	0.60 AFA
	Total:		0.04 CFS	0.60 AFA

Point(s) of Diversion: SESENE, Sec. 08, Township 13N, Range 19E

Place(s) of Use: DOMESTIC

Twp:	Rng:	Sec:	Tract: Acres:	Tract: Acres:	Tract: Acres:
13N	19E	09	NESE	NWSE	

Conditions of Approval and Remarks:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Domestic use is for 1 home.

Dates:	App. Received:	06/07/1982	Proof Due Date:	08/01/1987
	Proof Made Date:	08/31/1984	Exam Made Date:	08/14/1990
	Licensed Date:	07/29/1992		

DATE: 11/24/98
PAGE: 1

USE PERIOD	DIVERSION	DIVERSION
FROM TO	~~RATE~~	VOLUME
12/1/79	100	100
12/2/79	100	100
12/3/79	100	100
12/4/79	100	100
12/5/79	100	100
12/6/79	100	100
12/7/79	100	100
12/8/79	100	100
12/9/79	100	100
12/10/79	100	100
12/11/79	100	100
12/12/79	100	100
12/13/79	100	100
12/14/79	100	100
12/15/79	100	100
12/16/79	100	100
12/17/79	100	100
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12/26/79	100	100
12/27/79	100	100
12/28/79	100	100
12/29/79	100	100
12/30/79	100	100
12/31/79	100	100
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1/2/80	100	100
1/3/80	100	100
1/4/80	100	100
1/5/80	100	100
1/6/80	100	100
1/7/80	100	100
1/8/80	100	100
1/9/80	100	100
1/10/80	100	100
1/11/80	100	100
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1/14/80	100	100
1/15/80	100	100
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1/27/80	100	100
1/28/80	100	100
1/29/80	100	100
1/30/80	100	100
1/31/80	100	100
2/1/80	100	100
2/2/80	100	100
2/3/80	100	100
2/4/80	100	100
2/5/80	100	100
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2/7/80	100	100
2/8/80	100	100
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2/13/80	100	100
2/14/80	100	100
2/15/80	100	100
2/16/80	100	100
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2/24/80	100	100
2/25/80	100	100
2/26/80	100	100
2/27/80	100	100
2/28/80	100	100
2/29/80	100	100
2/30/80	100	100
3/1/80	100	100
3/2/80	100	100
3/3/80	100	100
3/4/80	100	100
3/5/80	100	100
3/6/80	100	100
3/7/80	100	100
3/8/80	100	100
3/9/80	100	100
3/10/80	100	100
3/11/80	100	100
3/12/80	100	100
3/13/80	100	100
3/14/80	100	100

0.040 CMS 0.65 AFA

0.040 CFS 0.60 AFA

Stage: LICENSE

CLUSTER County

42

10

Other Water Rights Listing Overlapping Place(s) of use:
72-00183 72-04021 72-04148

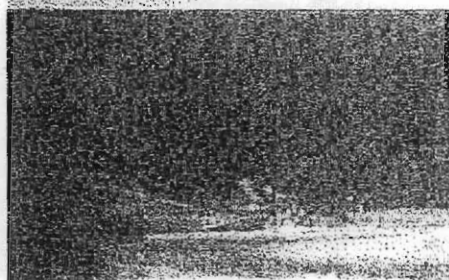
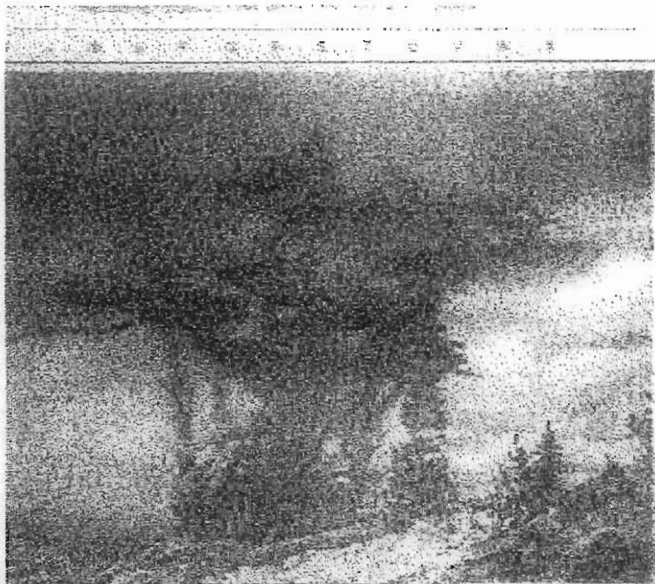
004 - The issuance of this right does not grant any right-of-way or easement across the land of another.

Dates: App. Received: 06/07/1982 Priority Date: 06/07/1982

App. Received:	06/07/1982	Priority Date:	06/07/1982
Proof Due Date:	08/01/1987	Proof Made Date:	08/31/1984
Exam Made Date:	08/14/1990	Exam Made to S.O.:	02/25/1992
Issued Date:	07/29/1992		

Misc: Water District Number: Field Exam Fee: R (Received)

Audit:	02/05/88	05/28/88	CONVERT	10/10/90	JASPER	02/25/92	FOSTER
	06/22/92	SKAGGS	06/23/92	SKAGGS			



T-2 N.