

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

RECEIVED

OCT 04 2004

WATER RESOURCE
WESTERN 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
78-07352		No			

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DEPARTMENT OF
WATER RESOURCES

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)

CHARLES M. AND GEORGIANNA VOGELSONG
P.O. Box 347, Riggins ID 83549

4. New Owner/Claimant(s)

DANIEL C. RILEY
 Name Connector (Check one: ☐ and, ☐ or, ☐ and/or

New Mailing Address

321-N 3RD ST.

City, State and ZIP Code

MCCALL, IDAHO 83638

New Telephone Number

(208) 634-2441

5. Date you acquired the property

7/1/2004 - Possession DATE

438603

COPY

WARRANTY DEED

GRANTOR, CROSS O RANCH, INC., an Idaho corporation, of P. O. Box 170, Riggins, ID 83549, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to DANIEL C. RILEY, a single man, of 321 North 3rd Street, McCall, ID 83638, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes for the year 2004, which are a lien, not yet due and payable.

2. Subject to easement in Warranty Deed, including the terms and conditions thereof, by and between CROSS O RANCH, INC., an Idaho Corporation and CHARLES M. VOGELSONG and GEORGIANNA VOGELSONG, husband and wife, recorded July 3, 1991, under Instrument No. 358990, records of Idaho County, Idaho.

3. Rights and easements in favor of the public for recreational uses of the Rapid River.

4. Any adverse claims based on the assertion that the location of the Rapid River has moved subsequent to its adoption as a title boundary.

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, and that they will warrant and defend the same from all lawful claims whatsoever, except general taxes for the year 2004, and easements, reservations, restrictions and rights-of-way of record or in use.

Except as otherwise expressly provided in this instrument, GRANTORS, hereby declare pursuant to Title 5, Chapter 2 of the Idaho Code, that in the event GRANTORS shall have permitted or suffered at any time prior to the making of this instrument, any person or entity to possess, use or

WARRANTY DEED

1

STATE OF IDAHO	
County of Idaho	
Rapid River	
FILED	
at 3:30 P.m. on 11-10-04	
ROSE E. GEHRING	
By	Recorder
Fees \$	900 Deputy

1 occupy the above-described premises, or any portion thereof, for any
2 purpose, with or without the knowledge of GRANTORS, it was not the intent
3 of GRANTORS, by permitting or suffering such possession, use or
4 occupation, to thereby define property boundaries or ownership thereof.

5 In construing this deed, and where the context so requires, the
6 singular includes the plural and the masculine, the feminine and the
7 neuter.

8 IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to
9 this instrument this 1 day of ~~June~~^{OCTOBER} 2004. *SW*

10 *Dave Wilson*
11 CROSS O RANCH, INC.
12 By: DAVE WILSON, President

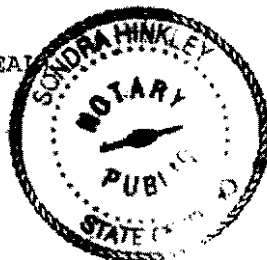
Sherie Wilson *Secretary*
CROSS O RANCH, INC.
By: SHERIE WILSON, Secretary

13 STATE OF IDAHO)
14 ss.
15 County of Idaho)

16 On this 1 day of ~~June~~^{OCTOBER} 2004, before me,
17 *Sondra Linkley*, a Notary for the said County and State,
18 personally appeared DAVE WILSON and SHERIE WILSON, President and
19 Secretary of CROSS O RANCH, INC., known or identified to me to be the
20 persons whose names are subscribed to the within instrument, and they
21 acknowledged to me that they freely executed the same and that the
22 statements therein contained are true.

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

25 (NOTARY SEAL)



Sondra Linkley
Notary Public for State of Idaho.
Residing at *Riggins*, therein.
My commission expires on *Sept 23*, 2008.

EXHIBIT A

Township 23 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 6: A parcel of land situated in the NE¼ of said Section 6,
more particularly described as follows:

Commencing at a brass cap marking the corner common to Sections 5 and 6, said Township and Range and Sections 31 and 32, Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho;
thence S 56°58'07" W, 1188.45 feet to a 5/8 inch rebar on the west boundary of Vogelsong Subdivision as shown on the official plat thereof on file in the office of the Recorder of Idaho County, Idaho, as Instrument No. 402826;
thence S 01°40'01" W, 523.05 feet along the extended west boundary to a ½ inch rebar, the Real Point of Beginning;
thence continuing S 01°40'01" W, 153.35 feet along said west boundary to a 5/8 inch rebar;
thence continuing S 01°40'01" W, 84.60 feet along said west boundary to the center line of Rapid River;
thence N 84°14'04" W, 145.36 feet along said river center line;
thence S 68°20'24" W, 73.30 feet along said river center line;
thence S 81°20'09" W, 90.54 feet along said river center line;
thence N 80°10'05" W, 54.39 feet along said river center line;
thence leaving said river center line N 12°28'52" E, 40.00 feet to a ½ inch rebar;
thence continuing N 12°28'52" E, 183.56 feet to a ½ inch rebar;
thence N 06°11'29" W, 48.21 feet to a ½ inch rebar;
thence S 87°55'54" E, 319.85 feet to the Point of Beginning.

Along with a 25.00 foot wide ingress, egress and utility easement situate in the NE¼ of Section 6, T. 23 N., R. 1 E., B.M., Idaho County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the corner common to Sections 5 and 6, T. 23 N., R. 1 E., and Sections 31 and 32, T. 24 N., R. 1 E., B.M., Idaho County, Idaho; thence, S. 56° 37' 20" W., 1,982.50 feet to a 5/8 inch rebar on the west boundary of Vogelsong Subdivision as shown on the official plat thereof on file in the office of the Recorder of Idaho County, Idaho, as Instrument Number 402826, the REAL POINT OF BEGINNING:

Thence, S. 01° 40' 01" W., 523.05 feet along said west boundary to a ½ inch rebar,
Thence, continuing N. 87° 55' 54" W., 25.00 feet to a ½ inch rebar,
Thence, N. 01° 40' 44" E., 539.46 feet to the center line of Rapid River Road,
Thence, N. 68° 37' 35" E., 27.05 feet along said road center line,
Thence, S. 01° 40' 01" W., 27.16 feet to the Point of Beginning.

435436

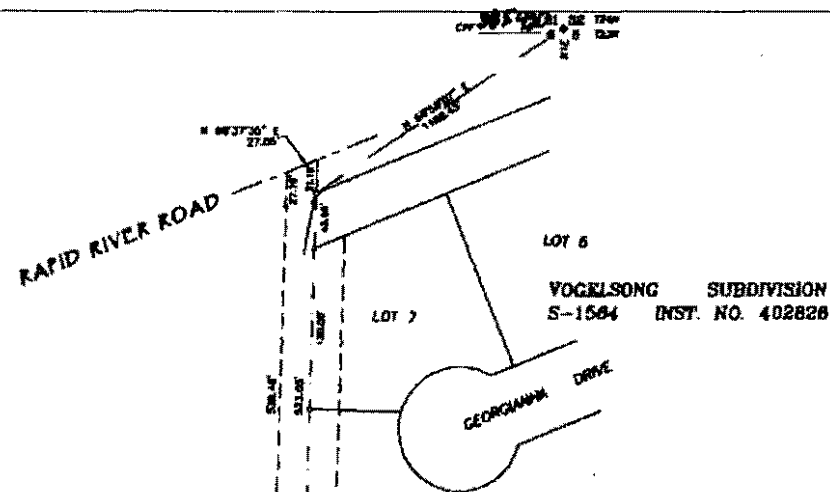
5-2159

CERTIFICATE OF RECORDS

STATE OF IDAHO
COUNTY OF IDAHO
AT THE OFFICE OF Douglas Land Surveying
FILED FOR RECORD Rose C. Rasmussen
BY Rose C. Rasmussen COUNTY RECORDER
DATE 2004 PAGE NO. 435436

Book _____ Page _____
of Records of Survey
Inst. No. _____

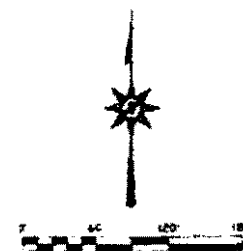
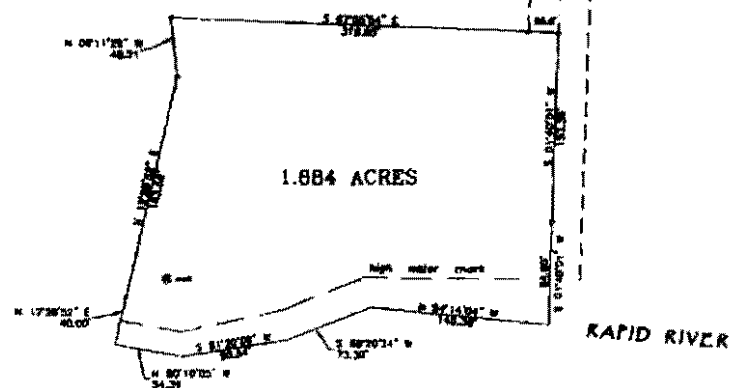
I, Rose C. Rasmussen, a Registered Land Surveyor
in Idaho, hereby certify that this plan was prepared from
actual field notes and is a correct and true copy of the
original notes and that I am duly sworn to the
truth of this statement.



25' wide highway
easement and utility easement

LEGEND

- Found 5/8 inch dia. rebar
 - Found brass cap
 - Set 1/2" x 24" rebar w/ brass cap
- Boundaries based on Vegetation Substitution



RECORD OF SURVEY

located in the
North East 1/4 of Section 8,
T. 23 N., R. 1 E., S. 4 W., Idaho County, Idaho

for
DAN RILEY

DOUGLAS LAND SURVEYING 208-634-1368 MAY 2004 2301606

438602

COPY

TERMINATION OF EASEMENT BY GENERAL RELEASE

Release given June 1, 2004, by CHARLES M. VOGELSONG and
GEORGIANNE VOGELSONG, husband and wife, to DANIEL C. RILEY, a
single man, of 321 North 3rd Street, McCall, ID 83638.

On July 3, 1991, CROSS O RANCH, INC., granted to CHARLES M.
VOGELSONG and GEORGIANNE VOGELSONG, an easement recorded as
Instrument No. 358990, records of Idaho County, Idaho, across
land described as follows:

See Exhibit "A" attached hereto and hereby incorporated by
this reference.

For valuable consideration, CHARLES M. VOGELSONG and
GEORGIANNE VOGELSONG, husband and wife, hereby releases to DANIEL
C. RILEY, a single person, the easement described above, it is
being the intention of the parties to terminate and extinguish
said easement.

In witness whereof they have executed this release the day
and year first above written.

Charles M. VogelSong
CHARLES M. VOGELSONG

Georgianne VogelSong
GEORGIANNE VOGELSONG

STATE OF IDAHO)

ss.

County of Idaho)

On this 1 day of October 2004, before me,

Sandra Hinkley, a Notary for the said County and

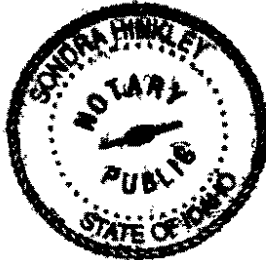
State, personally appeared CHARLES M. VOGELSONG and GEORGIANNE

TERMINATION OF EASEMENT
BY GENERAL RELEASE

1 VOGELSONG, husband and wife, known or identified to me to be the
2 persons whose names are subscribed to the within instrument, and
3 they acknowledged to me that they freely executed the same and
4 that the statements therein contained are true.
5

6 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
7 my official seal the day and year first above written.
8

9 (NOTARY SEAL)



Sondra Hinkley
Notary Public for State of *Idaho*
Residing at *Riggins*, therein.
My commission expires on *Sept 23, 2008*.

EXHIBIT A

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 thence S 01°40'01" W, 523.05 feet along the extended west boundary to a ½ inch rebar, the Real Point of Beginning;
 thence continuing S 01°40'01" W, 153.35 feet along said west boundary to a 5/8 inch rebar;
 thence continuing S 01°40'01" W, 84.60 feet along said west boundary to the center line of Rapid River;
 thence N 84°14'04" W, 145.36 feet along said river center line;
 thence S 68°20'24" W, 73.30 feet along said river center line;
 thence S 81°20'09" W, 90.54 feet along said river center line;
 thence N 80°10'05" W, 54.39 feet along said river center line;
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 Thence, N. 88° 37' 35" E., 27.05 feet along said road center line,
 Thence, S. 01° 40' 01" W., 27.16 feet to the Point of Beginning.

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
3:40 P.m.	on 11-10-04
ROSE E. GEHRING	
By	Record
Fees \$ 900	Deput

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 (cubic feet per second or acre-feet per annum)	Description (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 (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) ☒ Donal C. Riley
(include title if applicable)

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>AS</u>	Date <u>10-4-04</u>	Fee <u>\$25 -</u>	
Received by <u>AS</u>	Date <u>10-4-04</u>	Receipt No. <u>W032215</u>	
Processed by _____	AJ Date _____	WR _____	Date _____