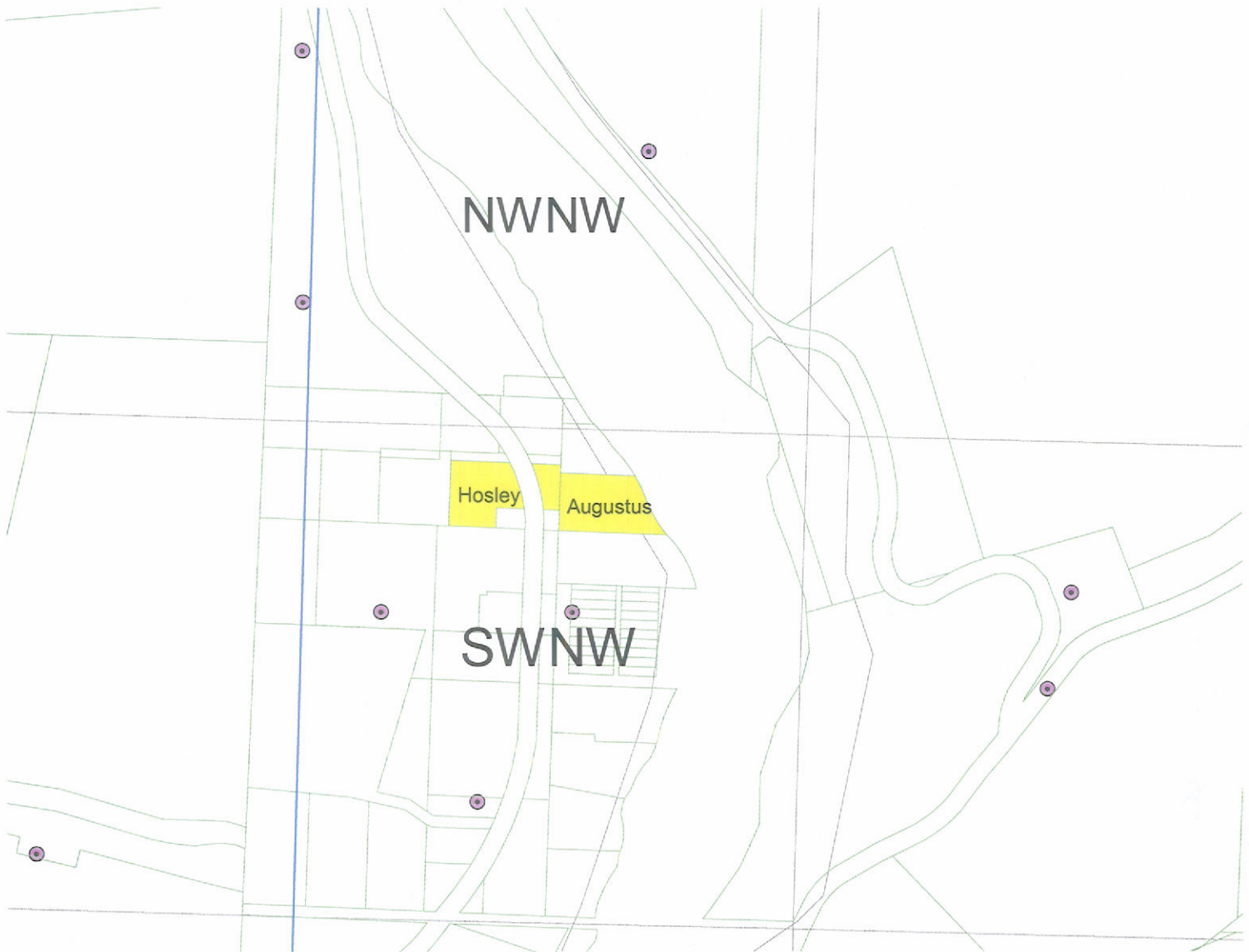


Idaho County Parcels

T28N R1E S22



0.1 0 0.1 0.2 Miles



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 79-04009B

2001 APR 26 AM 9:53

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GERALD LEE HOSLEY
HC 01 BOX 116 A
WHITEBIRD, ID 83554

NANCY K HOSLEY
HC 01 BOX 116A
WHITEBIRD, ID 83554

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/15/1947

POINT OF DIVERSION: T28N R01E S22 NWNWNW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Domestic T28N R01E S22 NWNW Within Idaho County

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

June 13, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ALBERT A AUGUSTUS
REBECCA AUGUSTUS
PO BOX 94
WHITE BIRD ID 83554

RE: Change in Ownership for Water Right ⁹74009B

Dear Mr. & Mrs. Augustus:

This letter is in response to our telephone conversations in recent weeks concerning the ownership change form you submitted for the above referenced water right. As I have not been able to contact you by telephone, I am sending this letter to give you the status of this file.

During further review of the water right and the information you have provided, my supervisor has determined that *no portion* of the water right in question is on your property. The water right has a place of use located in Lots 7-11, 13-15, **Block 7**, Copperville Subdivision. Your property is located in Lots 4-9, **Block 4**, Copperville Subdivision. As the two properties are located in different blocks of the Copperville Subdivision, this water right does not pertain to your property.

Upon making this discovery, we attempted to search for any other water rights that might be located on your property. Unfortunately, there is no water right currently of record with a place of use matching the description of your property.

At this time you can choose one of several options. Should you choose to pursue ownership of the water right in question, you will need to acquire a QuitClaim Deed from Gene Jaros as we had discussed previously. However, upon receiving ownership of the water right, you will need to file for a transfer with the Department, in order to have the place of use changed to your property. A second option would be to file with the Department for a new water right permit. You can obtain an application and instructions at www.idwr.idaho.gov, our public website.

The third option would be to work with our Adjudication section and the SRBA courts to determine if there is enough proof of beneficial use to obtain a water right. This is not something I will be able to help you with, and you will need to contact our Adjudication section. If you choose to further investigate this option, please call 1-800-451-4129.

If you have any questions regarding the previous options, please feel free to contact the Department for assistance. I am enclosing all paperwork you have submitted to the department. Copies will be retained in the water right file for future reference.

Sincerely,

Kandice McDermott
Records Analyst

/km
Enclosures

#2 pos

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397758

WARRANTY DEED

GRANTORS, MARTHA L. BECK, a married woman dealing with her sole and separate property and VICTORIA ELIZABETH WELLS, an unmarried woman, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto, GENE R. JAROS, an unmarried man, of Box 671544 Chugiak, AK 99567, 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:

description

The following described parcels of the Village of Copperville, Idaho County, Idaho, according to the recorded plat thereof.

Lots 5,6,7,8,9, and the south four feet of Lot 4, Block 4.

The North half of "D" street commencing at the western edge of the Salmon River and continuing westward to the center of Main Street.

The East half of Main Street adjacent to lots 5,6,7,8,9, and the South 4 feet Lot 4, Block 4. Less the following described parcel:

Commencing at the Southwest corner of Lot 9, Block 4 of the Copperville Addition to Idaho County, Idaho, and proceeding southerly along the extended West line of said Lot 9 a distance of 26 feet to THE POINT OF BEGINNING, thence continuing southerly along said extended line an additional 4 feet to an iron pin, thence at right angles easterly along an existing fence to the high water mark of the Salmon River, thence at right angles northerly 4 feet, thence at right angles westerly to THE POINT OF BEGINNING. Said 4 foot strip of land being located in the center of "D" Street of the platted Addition of Copperville, according to the recorded plat thereof.

ALSO LESS THE RIGHT-OF-WAY for the COUNTY OF IDAHO and the DOUMECQ HIGHWAY DISTRICT road referred to in Instrument No. 324097, records of Idaho County, Idaho.

ALSO Water Right in Claim Number A-7904009B, Idaho Department of Water Resources.

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

Subject to:

1. Subject to RIGHT-OF-WAY DEED to THE COUNTY OF IDAHO and the DOUMECQ HIGHWAY DISTRICT dated September 7, 1985 and recorded December 16, 1985 as Instrument No. 324097, records of Idaho County, Idaho.
2. Matters as shown on survey recorded April 1, 1994 as Instrument Number 373541 records of Idaho County, Idaho.
3. COVENANTS, CONDITIONS, EASEMENTS, DEDICATIONS and RESTRICTIONS contained in the recorded plat of said subdivision.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, his heirs and assigns forever. And the Said Grantors do hereby covenant

#1 pg1

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INDEXED
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ASSESSOR

392628

PERSONAL REPRESENTATIVE'S DEED

THIS CONVEYANCE made this 22nd day of March, 1997, by and between Victoria Elizabeth Wells, as personal representative of the estate of Hazel Irene Hosley, deceased, party of the first part, and Victoria Elizabeth Wells, an unmarried person, whose address is HC01, Box 114A, Whitebird, Idaho 83554 and Martha L. Beck, a married woman dealing with her sole and separate property, whose address is HC01 Box 116B, Whitebird, Idaho 83554, parties of the second part,

WITNESSETH:

WHEREAS, Hazel Irene Hosley, died testate in Idaho County, Idaho, on October 24, 1995, leaving a Will dated March 13, 1992, which Will was admitted to probate on December 28, 1995, in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Idaho, in Case No. SP01355, and letters testamentary were issued to the party of the first part and are still in full force and effect; and

WHEREAS, the party of the first part is duly authorized and empowered to convey decedent's interest in the real property hereinafter described to the parties of the second part under the statutes of the State of Idaho, and the provisions of the Will of said decedent;

NOW, THEREFORE, premises considered,

The party of the first part, Victoria Elizabeth Wells, as the personal representative of the estate of Hazel Irene Hosley, deceased, does hereby convey to the parties of the second part, all of the right, title and interest of said decedent in and to the following described real property situate in the County of Idaho, State of Idaho, to wit:

#1 pg 2

The following described parcels of the Village of Copperville, Idaho County, Idaho, according to the recorded plat thereof.

Lots 5, 6, 7, 8, 9, and the South Four Feet of Lot 4, Block 4.

The North Half of "D" Street commencing at the Western edge of the Salmon River and continuing Westward to the center of Main Street.

The East Half of Main Street adjacent to Lots 5, 6, 7, 8, 9, and the South 4 feet of Lot 4, Block 4.

LESS THE FOLLOWING DESCRIBED PARCEL:

Commencing at the Southwest corner of Lot 9, Block 4 of the Copperville Addition to Idaho County, Idaho, and proceeding southerly along the extended West line of said Lot 9 a distance of 26 feet to THE POINT OF BEGINNING, thence continuing southerly along said extended line an additional 4 feet to an iron pin.

thence at right angles easterly along an existing fence to the highwater mark of the Salmon River.

thence at right angles northerly 4 feet,

thence at right angles westerly to THE POINT OF BEGINNING. Said 4 foot strip of land being located in the center of "D" Street of the platted Addition of Copperville, according to the recorded plat thereof.

ALSO LESS THE RIGHT-OF-WAY for the County of Idaho and the Doumecq Highway District road referred to in Instrument No. 324097, records of Idaho County, Idaho.

SUBJECT TO a Reservation of Easement in the Quit Claim Deed dated February 18, 1977 by and between Harvey H. Hosley and H. Irene Hosley, recorded April 6, 1977 as Instrument No. 267597, records of Idaho County, Idaho; Right-of-Way Deed to the County of Idaho and Doumecq Highway District dated September 7, 1985 and recorded December 16, 1985 as Instrument No. 324097, records of Idaho County, Idaho; any claim arising from the difference in the mean high water line of the Salmon River and the meander line as shown by the Original Government Survey; and matters as shown on survey recorded as Instrument No. 373541.

#1 pg 3

TO HAVE AND TO HOLD the premises, with their appurtenances, unto Victoria Elizabeth Wells and Martha L. Beck, the parties of the second part, their heirs and assigns forever, SUBJECT to taxes for the current year.

IN WITNESS WHEREOF, the party of the first part, as the personal representative of the estate of Hazel Irene Hosley, deceased, has hereunto set her hand and seal the day and year in this instrument first above written.

Victoria Elizabeth Wells

Victoria Elizabeth Wells
Personal Representative of the Estate of
Hazel Irene Hosley, Deceased

STATE OF IDAHO)
County of Nez Perce) ss.

On this 27th day of March, 1997, before me, the undersigned, a notary public in and for said state, personally appeared Victoria Elizabeth Wells, known or identified to me to be the person whose name is subscribed to the within instrument as the personal representative of the Will and Estate of Hazel Irene Hosley, deceased, and acknowledged to me that she executed the same as such personal representative of the Will and Estate of Hazel Irene Hosley, deceased.

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

ALL OF IDAHO
County of Idaho
Recorded at request of
Cheryl M. Beck
at 15 minutes past 10 o'clock A. M.
this 14 day of April, 1997
ROSE E. GEHRING
Recorder
Samuel J. Beck
Deputy

Theresa Fitzsimmons
Notary Public in and for said State,
residing at or employed in Lewiston.
My Commission Expires: 2/20/98
(SEAL)



RECEIVED

MAY 13 2005

Department of Water Resources

May 10, 2005

Kandice L. McDermott, Records Analyst
State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

Dear Ms. McDermott:

I am writing in response to your letter regarding our filing for water rights. As I had the gentleman in the water rights office in Coeur d'alene help me with the original request last summer I am not sure what all he submitted in terms of backup so I am enclosing the deed changes:

1. Owner Hazel Irene Hosley (whose name the water rights are still under) estate settlement deeding the property to Elizabeth Wells and Martha Beck with legal description and transfer all of the rights, title and interest of property (see underlined red)
2. Deeded transfer from Elizabeth Wells and Martha Beck to Gene Jaros with the legal description matching the legal description on the Hosley to Wells/Beck transfer. Please note that there were water rights transferred on this deed from Wells/Beck to Jaros.
3. Deeded transfer from Gene Jaros to Albert and Rebecca Augustus. Please note legal description is identical as the legal description transferred to Gene Jaros which included the water rights. When I asked the title company why the legal description was the exactly the same except for the mention of water rights they explained that they no longer had the authority to transfer water rights and that I needed to do that through your office. That is why the transfer request was submitted through your office in Coeur d'alene last summer. They title company also stated that water rights should be "appurtenance" which they explained to mean that they should automatically transfer with the land. ⁷⁵⁰

I hope that this clears any concerns so that the water rights can be officially transferred to us. Enclosed is a check for the \$25.00 filing fee.

Sincerely,

Rebecca Augustus

Rebecca Augustus

Idaho County Parcels

T28N R1E S22



0.1 0 0.1 0.2 Miles



RECEIVED

MAY 13 2005

Department of Water Resources

May 10, 2005

Kandice L. McDermott, Records Analyst
State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

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Sincerely,

Rebecca Augustus

Rebecca Augustus



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

April 20, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ALBERT A AUGUSTUS
REBECCA AUGUSTUS
PO BOX 94
WHITE BIRD ID 83554

RE: Change in Ownership for Water Right No. 79-4009B

Dear Mr. & Mrs. Augustus:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

- ☒ **Filing Fee** of \$25 per water right
- ☒ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question. The legal description on your Warranty Deed does not match that of our database. Enclosed is a computer report for your reference. Please forward to our office further documentation of ownership according to that property highlighted on the report.
- ☒ **Legal Description of Property**

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be **\$25**.

Because the Department cannot process the ownership change without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information and fees. If we do not receive the necessary information and fees **within 30 days** we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have questions, please contact me at 208-287-4962.

Sincerely,

Kandice L. McDermott
Records Analyst

/klm
Enclosure