

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOV 26 1999

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.1. Water Right No(s).: 94-04276

Adjudication Claim No(s).: _____

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

✓ A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

✓ B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

→ Karen Khan, Gary Wilks, Paula Wilks →
→ 6655 Jackson Rd # 625, Ann Arbor MI 48103

4. New Owner/Claimant(s)

Patrick W. Foster

New Mailing Address

Name Connector (Check one): [] and, [] or, [] and/or
P.O. Box 145

City, State and ZIP Code

Wallace ID 83873

New Telephone Number

(208) 556-0153

5. Date you acquired the property

7/16/98

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____

Number and type of stock _____

Diversion rate in CFS .04Number of homes 1

Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Patrick W. Foster

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

MICROFILMED

DEC 14 1999

3641 Partridge Path #7, Ann Arbor MI 48108

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.

4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.

5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.

8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190
 IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033
 IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450
 IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

368716

QUITCLAIM DEED

For Value Received Sum of One (\$1.00) Dollar

I, Thomas Wilks of P.O. Box 208, of Rex Mill Road
 do hereby convey, release, remise and forever quit claim unto
 Gary T. Wilks (son); P.O. Box 208 of 994 Rex Mill Road, Wallace, ID 83873
 Karen J. Khan (daughter) former Karen J. Wilks
 Paula R. Wilks (daughter)
 the following described premises, to-wit: ✓

That portion of the surface of the Emma lode mining claim,
 Survey No. 2404, situated in Placer Center Mining District,
 Shoshone County, State of Idaho, more particularly described
 by metes and bounds as follows, to-wit: Commencing for the
 same at the Northeast corner of the said Emma lode, being
 corner No. 2 thereof, and running thence South 6° 4' East 600
 feet to corner No. 3 of the said Emma lode; thence South 84° 14'
 West 250 feet to a point on line 3-4 of the said Emma lode;
 thence North 6° 14' West 600 feet, more or less, to a point on
 line 1-2 of said Emma lode; thence North 84° 45' East 250
 feet to corner No. 2 of said Emma lode, the place of the
 beginning of the description of the exterior boundaries of
 said tract, containing 3.44 acres, more or less.

Reserving, however, to the party of the first part
 a life estate to live in and utilize the property
 during his lifetime.

together with their appurtenances.

Dated: 8/30/95

Thomas Wilks

STATE OF IDAHO, COUNTY OF Shoshone
 On this 30th day of August, 1995,
 before me, a notary public in and for said State, personally
 appeared

Thomas Wilks

Known to me to be the person
 whose name is
 subscribed to the within instrument, and acknowledged to
 me that he executed the same.

James E. House

Notary Public
 Residing at Wallace, Idaho
 Comm. Expires 8/20/97

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
 the request of

at _____ minutes past _____ o'clock m.,
 this _____ day of _____,
 19____, in my office, and duly recorded in Book
 of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
 Mail to:

MICROFILMED

DEC 14 1995

10

RECORDED
at the request of
Karen Khan
Deeds
Return to
Karen Khan
PO Box 208
Wallace, ID 83873
Fee \$ 3.00

368716

FILED

'95 AUG 30 PM 2 36

NANCIA WINFIELD
SHOSHONE COUNTY RECORDER
by *Janet Zamboni* DEPUTY

MICROFILMED

14 1995

9

AFTER RECORDING, MAIL TO GRANTEE.
FATCO #3046/

384129

WARRANTY DEED

For Value Received GARY T. WILKS, AS HIS SEPARATE PROPERTY, PAULA R. WILKS, AS HER SEPARATE PROPERTY, AND KAREN J. KHAN, FORMERLY KNOWN AS KAREN J. WILKS, AS HER SEPARATE PROPERTY

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

PATRICK W. FOSTER, a single man

whose address is: PO Box 145 Wallace ID 83873

Hereinafter called the Grantee, the following described premises situated in Shoshone County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:

Karen J. Khan
KAREN J. KHAN
Paula R. Wilks
PAULA R. WILKS

Gary T. Wilks
GARY T. WILKS

STATE OF IDAHO)
: ss
COUNTY OF SHOSHONE)

On This 16th day of July in the year 1998 before me, a Notary Public in and for said State, personally appeared KAREN J. KHAN, GARY T. WILKS and PAULA R. WILKS, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

Linda M. Owen
Notary Public
Residing at Keelogg
Commission Expires 11/11/02

MICROFILM
DEC 14 1998

EXHIBIT "A"

That portion of the surface of the Emma Lode mining claim, Survey No, 2404, situated in Placer Center Mining District, Shoshone County, State of Idaho, more particularly described as follows:

Commencing for the same at the Northeast corner of the said Emma Lode, being corner No. 2 thereof, and running thence South 6°14' East, 600 feet to the corner No. 3 of the Emma Lode; thence South 85°14' West 250 feet to a point on line 3-4 of the said Emma Lode; thence North 6°14' West 600 feet, more or less, to a point on the 1-2 line of said Emma Lode; thence North 84°45' East, 250 feet to corner No. 2 of the said Emma lode, the place of beginning of the description of the exterior boundaries of said tract

~~RECORDED~~
at the request of

First American Title Co.

384129

Deeds

FILED

~~Return to~~

First American Title Co.

'98 JUL 16 PM 4 32

Wallace, ID

WALLACE FIELD
RECORDED
BY *Dana Zamboni* DEPUTY

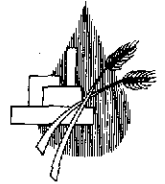
6.00

MICROFILMED

DEC 14 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that THOMAS ANDER RUTH WILKS
(Name of Claimant)
Box 208 WALLACE, ID 83873 Telephone No. _____
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) JULY 12, 1926
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
SPRING tributary to EAST FORK NINE MILE CREEK

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>0.04</u>	Use <u>DOMESTIC</u>	Period of Use From <u>JAN 1</u>	To <u>DEC 31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.04 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NESE 1/4 NW 1/4, Sec. 6 Twp. 48N Rge. 5E B.M., County of SHOSHONE
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. GRAVITY FLOW PIPELINE

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
48N	5E	6								X									

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: DOMESTIC USE ONE HOUSEHOLD

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

[illegible]

Received by NIC Date 8/26/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by OR Date 8/27/83 # 31311 claimant by: _____
\$30.00 fee received by NIC Date 8/26/83
Published in Yellow Springs News _____
Dates 9/7+14/83 _____

WARRANTY DEED

THIS INDENTURE, Made the 10TH day of April, 1969, between ^XCHARLES PRESTON and AGNES PRESTON, husband and wife, of Wallace, Shoshone County, Idaho, the parties of the first part, and THOMAS ^XWILKS, of the same place, the party of the second part, WITNESSETH:

That the parties of the first part, for and in consideration of the sum of One (\$1.00) Dollar, lawful money of the United States of America, and other valuable consideration, to them in hand paid, the receipt whereof is hereby acknowledged, do by these presents remise, release, convey and forever quitclaim unto the said party of the second part, and to his heirs and assigns, all of the right, title and interest which the parties of the first part now have and which they, or their heirs or assigns, may at any time hereafter acquire in and to the following described real property, to-wit:

That portion of the surface of the Emma lode mining claim, Survey No. 2404, situated in Placer Center Mining District, Shoshone County, State of Idaho, more particularly described by metes and bounds as follows, to-wit: Commencing for the same at the Northeast corner of the said Emma lode, being corner No. 2 thereof, and running thence South 60°14' East 600 feet to corner No. 3 of the said Emma lode; thence South 85°14' West 250 feet to a point on line 3-4 of the said Emma lode; thence North 6°14' West 600 feet, more or less, to a point on line 1-2 of said Emma lode; thence North 84°45' East 250 feet to corner No. 2 of said Emma lode, the place of the beginning of the description of the exterior boundaries of said tract, containing 3.44 acres, more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainders, rents, issues and profits thereof; this grant is subject, however, to a reservation contained in a deed from Delaware Mines Corporation to Sam Preston, dated July 12th, 1926, and recorded in Book 59 of Deeds at page 496 thereof, records of the County Recorder of Shoshone County, Idaho, to which records reference is hereby made for a detailed statement of said reservations.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their names the day and year first above written.

Charles W. Preston

Agnes Preston

PROOF OF PUBLICATION

County of Shoshone,)

STATE OF IDAHO)

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

94-4276

Name: WILKS, THOMAS &/or RUTH

Address: P.O. BOX 208, Wallace, ID 83873

Source: SPRING trib. to NINEMILE CREEK, EAST FORK

Priority Date: July 12, 1926

Diversion Point: SENW Sec. 06 T 48N R 05E

Use: DOMESTIC (0.04 CFS).

In: SENW Sec. 06 T 48N R 05E

94-4277

Name: VAN BRASCH, WINIFRED
Address: 363 LINDALE DR., SPRINGFIELD, OR 97477

Source: TOBOGGAN CREEK trib. to EAGLE CREEK, EAST FORK;
EAGLE CREEK, EAST FORK trib. to EAGLE CREEK

Priority Date: May 20, 1928

Diversion Point: NESE Sec. 22 T 50N R 05E SESW Sec. 23 T 50N R 05E

NESW NWSW Sec. 15 T 50N R 05E

Use: INDUSTRIAL (7.50 CFS); MINING (7.50 CFS); POWER (14.00 CFS); FIRE PROTECTION (7.50 CFS); DOMESTIC (1.00 CFS).

In: NESW NWSW Sec. 15 T 50N R 05E NESE Sec. 22 T 50N R 05E SESW Sec. 23 T 50N R 05E

Exceptions to a claim may be filed with the Director: Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814.

KENDUNN, Director

9/7/14/'83

YoldLg

s/Gary A. Corbeill, being first duly sworn deposes and says:

THE KELLOGG EVENING NEWS, a daily newspaper of general circulation in said county, published in the City of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of the notice hereinafter described, and that the _____

WATER RIGHTS

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in a supplement thereto, for a period of 2 consecutive weeks/days, the

first publication thereof being in its issue dated 9-7-83

and the last publication thereof being in the issue dated 9-14-83

Subscribed and sworn to before me this 14th day of Sept., 1983

Wendell R. Brainerd
Notary Public
RECEIVED

OCT 13 1983

Department of Water Resources
Northern District Office

41/2 24.60



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK W FOSTER
PO BOX 145
WALLACE ID 83873

RE: Statutory Claim 94-04276

Dear Mr. Foster:

The department acknowledges receipt of correspondence changing ownership of the above referenced statutory claim to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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DEC 14 1999

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JA

Right Number 94-4276 Applicant Helks

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By JA Date 10/24/83

LATE CLAIM
✓ FEE
Domestic use
exempt OK

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 10-25-83

94-4276

WILKS, THOMAS &/or RUTH

P.O. BOX 208, WALLACE, ID 83873

Source: SPRING trib. to NINEMILE CREEK, EAST FORK

Priority Date: 07/12/1926

Diversion Pt: SENW Sec 06 T 48N R 05E

Use: DOMESTIC (0.04 CFS)

In: SENW Sec 06 T 48N R 05E

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

SEPTEMBER 26, 1983

THOMAS WILKS
RUTH WILKS
P.O. BOX 208
WALLACE

ID 83873

RE: Claim No. 94-4276

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure