

No Color
Documents
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07/24

NOT Applicable - *Def*
6-17-98

For Office Use Only

\$25.00 Filing Fee

Receipt # _____

Date _____

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

We, Leo B. Roper and Betty J. Roper, hereby assign to Wilson C. Moore and Cloris L. Moore,
(Permit Holder) husband and wife,
of 1670 Roper Lane, Grace, ID 83241
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 13-4102
to appropriate the public waters of the State of Idaho, (subject to life estate
in Leo B. Roper and Betty J. Roper to use said waters).

(Copy of relevant Warranty OR (for partial assignments)
Deeds are attached)

The following described portion of my right, title, and interest in and to
Permit No. _____ to appropriate the public waters of the State of Idaho.

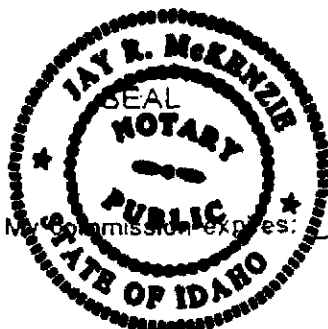
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

Made this 4th day of June, 19 98.

Leo B. Roper Betty J. Roper
Leo B. Roper Permit Holder(s) Betty J. Roper

State of Idaho)
ss
County of Franklin)

On this 4th day of June, 199 8, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Jay R. McKenzie
Notary Public
Residing at: Preston, Idaho
My Commission Expires: 11-16-2003

Signature _____ MICROFILMED

MAY 26 1999

15623

STATE OF IDAHO

County of Caribou

Date: May 27, 1998Time: 3:40 P.M.

Official Records

Recorder: Edna IzallDeputy: Linda S. GidyczFee: 9.00 CT

Order No. 14908

WARRANTY DEED

THIS INDENTURE, Made this 26th day of May, 1998, between LEO B. ROPER and BETTY J. ROPER, Co-Trustees of The Leo and Betty Roper Trust, Dated the 4 day of Sept., 1997, of Grace, County of Caribou, State of Idaho, hereinafter called First Party, and WILSON C. MOORE and CLORIS L. MOORE, husband and wife, of 1676 Roper Lane, Grace, County of Caribou, State of Idaho 83241, hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of FIFTY THOUSAND ONE HUNDRED AND NO/100THS DOLLARS, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows, to-wit:

(See Exhibit "A" attached hereto and incorporated herein by reference)

SUBJECT to all easements, rights of way, and public roads or highways adjoining or crossing said property, and further subject to retention or reservation of mineral, oil and gas rights by prior owners of said real property or by the United States of America or the State of Idaho.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said Second Party, and to their heirs and assigns forever, and the said First Party shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said First Party has hereunto set their hands and seals, the day and year first above written.

Leo B. Roper
LEO B. ROPER, Co-Trustee

Betty J. Roper
BETTY J. ROPER, Co-Trustee

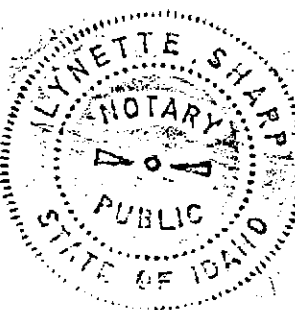
RECORDED

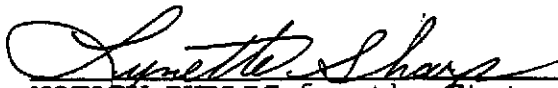
MAY 26 1999

STATE OF IDAHO)
 : SS.
County of Caribou)

On this 26th day of May, 1998, before me the undersigned, a Notary Public in and for said County and State, personally appeared Leo B. Roper and Betty J. Roper, known to me to be the persons whose names are subscribed to the within instrument as Co-Trustees of The Leo and Betty Roper Trust, Dated the 4 day of Sept., 1997, and acknowledged to me that they executed the same as such Co-Trustees.

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




NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission expires: 11/8/99

MICROFILMED
MAY 26 1998

156723

Exhibit "A"**Township 11 South, Range 40 East of the Boise Meridian:**

Section 20: Beginning at a point 82.5 feet West of the Northeast corner of the NW1/4NE1/4 of Section 20, and running thence West 250 feet; thence South 12°04'29" East 270.31 feet; thence South 53°19'17" West 126 feet; thence South 16°50'32" West 115.731 feet; thence South 77°14'00" East 46 feet; thence South 40°23'00" East 275 feet; thence North 66°57'04" East 203.77 feet, more or less, to the East line of the NW1/4NE1/4; thence North 293.22 feet; thence West 82.5 feet; thence North 297 feet, to the point of beginning.

Together with all right and title and interest of Grantors in and to all water rights, including existing fresh water spring, located in the N1/2NW1/4 of said section 20, as reserved to Grantors in the second paragraph, page 2, of that certain warranty deed from Grantors to Shaw Land and Livestock Company, a Utah Limited Partnership ("Shaw"), recorded September 15, 1982, as instrument No. 113602, records of Caribou County, Idaho ("Shaw Deed").

Together with all right, title, and interest of Grantors in and to Idaho Department of Water Resources Water Claim No. 13-4102.

Together with all right, title, and interest of Grantors in and to the easement and right-of-way retained in the second paragraph, page 2 of said Shaw Deed, to use, maintain, repair, improve, and enlarge the above-described fresh water spring, as well as the right to use the existing water lines sold by Grantors to Shaw, or water lines hereinafter erected by Shaw or the successors-in-interest to Shaw, to convey water in said pipeline, which said spring and pipeline provide water to the above described real property.

MICROFILMED

MAY 26 1998

15784

STATE OF IDAHO
County of CaribouDate: June 9, 1998Time: 10:05 A.M.

Official Records

Recorder: Edie IzattDeputy: Denise HousleyFee: 6.00**WARRANTY DEED****FOR VALUE RECEIVED****WILSON C. MOORE and CLORIS L. MOORE, husband and wife,**

the grantors, do hereby grant, bargain, sell and convey unto

**LEO B. ROPER and BETTY J. ROPER, initial trustees, and their successors,
in trust, of the Leo and Betty Roper Trust,**whose current address is: 1676 Roper Lane
Grace, ID 83241

the grantees, the following described premises, in Caribou County, Idaho, to-wit:

A life estate to LEO B. ROPER and BETTY J. ROPER, in the home and its
curtilage as presently utilized, described as follows:

Township 11 South, Range 40 East of the Boise Meridian:

Section 20: Beginning at a point 82.5 feet West of the Northeast corner of the
NW1/4NE1/4 of Section 20, and running thence West 250 feet; thence South
12°04'29" East 270.31 feet; thence South 53°19'17" West 126 feet; thence South
16°50'32" West 115.731 feet; thence South 77°14'00" East 46 feet; to the place
of beginning, thence East 225 feet; thence North 100 feet; thence West 225 feet;
thence South 100 feet to the point of beginning.Together with the non-exclusive right-of-way to use the existing circular roadway off the
county road, which encircles the house,

all of which is located upon the below-described real property:

Township 11 South, Range 40 East of the Boise Meridian:

Section 20: Beginning at a point 82.5 feet West of the Northeast
corner of the NW1/4NE1/4 of Section 20, and running thence West
250 feet; thence South 12°04'29" East 270.31 feet; thence South
53°19'17" West 126 feet; thence South 16°50'32" West 115.731
feet; thence South 77°14'00" East 46 feet; thence South 40°23'00"
East 275 feet; thence North 66°57'04" East 203.77 feet, more or
less, to the East line of the NW1/4NE1/4; thence North 293.22 feet;
thence West 82.5 feet; thence North 297 feet, to the point of
beginning.

MICROFILMED

MAY 26 1998

Together with all right and title and interest of Grantors in and to all water rights, including existing fresh water spring, located in the N1/2NW1/4 of said section 20, as reserved to Grantors in the second paragraph, page 2, of that certain warranty deed from Grantors to Shaw Land and Livestock Company, a Utah Limited Partnership ("Shaw"), recorded September 15, 1982, as instrument No. 113602, records of Caribou County, Idaho ("Shaw Deed").

Together with all right, title, and interest of Granters in and to Idaho Department of Water Resources Water Claim No. 13-4102.

Together with all right, title, and interest of Grantors in and to the easement and right-of-way retained in the second paragraph, page 2 of said Shaw Deed, to use, maintain, repair, improve, and enlarge the above-described fresh water spring, as well as the right to use the existing water lines sold by Grantors to Shaw, or water lines hereinafter erected by Shaw or the successors-in-interest to Shaw, to convey water in said pipeline, which said spring and pipeline provide water to the above described real property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees. 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 except a Deed of Trust in favor of First Security Bank dated May 26, 1998, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 4th day of June, 1998.

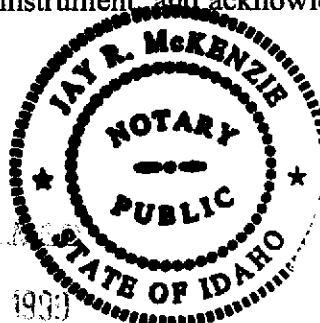
Wilson C. Moore
WILSON C. MOORE

Cloris L. Moore
CLORIS L. MOORE

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

On this 4th day of June, 1998, before me, a Notary Public in and for said State, personally appeared Wilson C. Moore and Cloris L. Moore, 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.

Jay R. McKenzie
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-16-2003



MAY 26 1999

Jay R. McKenzie Law Office, P.A.

Attorney and Counselor

RECEIVED

JUN 22 1998

June 16, 1998

RECEIVED

JUN 17 1998

Department of Water Resources

Department of Water Resources
Eastern Region

Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

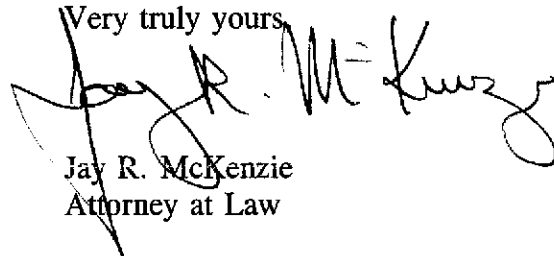
RE: Water Claim No. 13-4102

Gentlemen:

Please find enclosed an executed "Assignment of Permit", which relates to Water Claim No. 13-4102. This water right appertains to real property sold by the Ropers to the Moores, a life estate concerning which was transferred back from the Moores to the Ropers. Hence, the transfer of the claim is to the Moores, subject to the life estate of the Ropers.

Thank you very much for your assistance in making the foregoing changes.

Very truly yours,



Jay R. McKenzie
Attorney at Law

JRM:bj
Enclosures

cc. Gary Jensen
Leo Roper

MICROFILMED
MAY 26 1999

(8)	Remarks	Jan 1944 + Lt Frank B. Rogers, New, Carter Farms + Home Ave Forest a 3/4 acre plot to their farm. Only. In 1988 I let Francis C. Turner, host a 1/2 acre plot to five home. Only. I claim the water as lot work, and it is on my deed. Love
-----	---------	---

RECEIVED

MAR 16 1983

Department of Water Resources
Eastern District Office

AGREEMENT

THIS AGREEMENT, made and executed this 19th day of September, 1978, by and between Leo B. Roper and Betty J. Roper, husband and wife, of Grace, Caribou County, Idaho, hereinafter called first parties, and Larry D. Higgins and Kaleen A. Higgins, husband and wife, of Bountiful, Salt Lake County, Utah, hereinafter called second parties, -

WITNESSETH:

That whereas first parties sold a tract of land, hereinafter described, to second parties, by Real Estate Agreement dated December 22, 1976, and -

Whereas said agreement provided for culinary water for use in the home on said premises, and -

Whereas the parties desire to more clearly define the water rights appertenant to said land, located in Caribou County, Idaho, and described as follows:

Township 11 South, Range 40 East of the Boise Meridian:

Section 20: A tract of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20, more particularly described as follows:

Beginning at a point on the North line of said Section 20, said point being west 1507.7 feet from the Northeast corner of said Section, and running
thence South 660 feet to the TRUE POINT OF BEGINNING;
thence South 67°30' West 508.2 feet along a lane;
thence South 80°03' West 227.1 feet along said lane;
thence South 81°21' West 171.4 feet along said lane;
thence North 18°40' West 150 feet;
thence North 12°46' East 480.6 feet;
thence South 77°14' East 732.2 feet;
thence South 25°29' East 210 feet, more or less,
to the point of beginning.

NOW, THEREFORE, it is agreed as follows:

1. The water to be supplied to second parties comes from a spring located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 11 South, Range 40 East of the Boise Meridian, which spring has been developed and piped by first parties or by the parents of first parties, as predecessors in interest of said first parties.

2. Frank B. Roper and Karma B. Roper, husband and wife, being the brother and sister-in-law of Leo B. Roper, were permitted to hook onto the water system in 1944. Second parties hereby acknowledge that first parties have the first right to the waters of said spring, and that Frank B. Roper and Karma B. Roper have the second right to the waters of said spring.

3. Second parties contracted to purchase the above described premises, including culinary water, from first parties, on December 22, 1976, and thereby claim the third right to the waters of said spring.

4. First parties acknowledge the right of second parties, above mentioned, to the waters of said spring.

RECEIVED

5. Both parties, to further and more clearly define the rights of the the second parties, agree as follows:

- a. Second parties presently have, and shall be entitled to maintain, a connection by means of a 1 inch water line, connected to the system owned by first parties, for the purpose of providing water to second parties.
- b. Said water shall be used for culinary purposes, as provided by the original agreement.
- c. Second parties presently have two 3/4 inch lines hooked into the aforementioned 1 inch line, for use outside the house. However, it is understood and agreed that only one sprinkler head or similar watering devise shall be used at any one time for outside yard watering.
- d. Said system is a gravity flow system, and second parties, their heirs and assigns shall use said system only as a gravity flow system.
- e. The right of second parties is for use in one home only, and second parties shall never permit any one else to connect onto their system.
- f. In event of that said water system should require repairs, second parties agree to repair and maintain that part of the system belonging to them, and to pay 20% of the cost of repairs and maintainence of that part of the system which serves the three users, as above named.
- g. It is understood and agreed that first parties do not guarantee a supply of water. In the event that the spring should dry up during drought years, or otherwise, each user of the waters of said spring shall suffer his own damages.

IN WITNESS WHEREOF, The said parties of these presents have hereunto set their hands and seals the day and year first above written.

Leo B. Roper
LEO B. ROPER

Betty J. Roper
BETTY J. ROPER

FIRST PARTIES.

Larry D. Higgins
LARRY D. HIGGINS

Kaleen A. Higgins
KALEEN A. HIGGINS

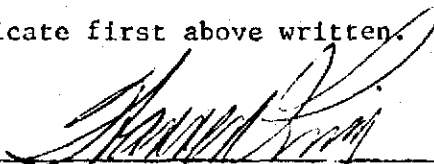
SECOND PARTIES.

RECORDED

STATE OF UTAH,)
 : ss.
County of Cache.)

On the 20 day of September, 1978, before me the undersigned, a Notary Public in and for said State personally appeared Leo B. Roper and Betty J. Roper, husband and wife; and Larry D. Higgins and Kalcen A. Higgins, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



NOTARY PUBLIC for the State of Utah.
Residing at: *[Handwritten address]*
Commission: *[Handwritten signature]* Nov-15, 1980

MICROFILMED

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Bank Steele

being first duly sworn on his
oath, states:

NOTICE OF CLAIMS TO WATER RIGHTS NO. 13-4102 *

Notice is hereby given that the
following claim(s) to water
right(s) have been established by
diversion and application to ben-
eficial use:

ROPER, LEO B.
ROUTE 1, BOX 126, GRACE,
ID 83241

Source: UNNAMED SPRING
tributary to STEVES CREEK

Priority Date: 06-21-1941

Amount: 0.06 CFS

Diversion Point: NWNE Sec
20 T 11S R 40E, CARIBOU Co.

Use: DOMESTIC (0.06 CFS)
from 01-01 to 12-31

Place of Use: NWNE Sec 20 T
11S R 40E

Diversion Means: PIPELINE

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 1515 Lincoln
Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published March 8 and 15,
1979 in the Caribou County Sun.

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

8th day of

March, 1979

The date of the last publication

being the 15th day of

March, 1979

Subscribed and sworn to be-

fore me this 15th day

of March, 1979

Cl. Audy D. Steele

Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of March

1980

RECEIVED

MAR 16 1979

Department of Water Resources
Eastern District Office



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

May 11, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILSON C MOORE
CLORIS L MOORE
1670 ROPER LANE
GRACE ID 83241

RE: Statutory Claim 13-04102

Dear Mr. & Mrs. Moore:

The Department is in receipt of the correspondence changing ownership of the above referenced statutory claim to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

If you have any questions regarding this matter, please feel free to contact me at 208-327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

MAY 26 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

MARCH 26, 1979

LEO B. ROPER
ROUTE 1, BOX 126
GRACE

ID 83241

RE: Claim No. 13-4102

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 filings 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,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

mailed to claimant 4/2/79

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

MARCH 2, 1979

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MARCH 26, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4102_

ROPER, LEO B.

ROUTE 1, BOX 126, GRACE, ID 83241

Source: UNNAMED SPRING tributary to STEVES CREEK

Priority Date: 06/01/1941

Amount: 0.06 CFS

Diversion Point: NWNE Sec 20 T 11S R 40E, CARIBOU Co.

Use: DOMESTIC (0.06 CFS) from 01/01 to 12/31

Place of Use: NWNE Sec 20 T 11S R 40E

Diversion Means: PIPELINE

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 3/8 & 3/15/79.

MICROFILMED

February 27, 1979

Mr. Leo B. Roper
Route #1, Box 126
Grace, Idaho 83241

Dear Mr. Roper:

Re: Claim to a Water Right

Attached herewith is Departmental receipt No. 12907 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

MICROFILMED

February 21, 1979

Mr. Leo B. Roper
Route #1, Box 126
Grace, Idaho 83241

Dear Mr. Roper:

Re: Claim to a Water Right

We are returning your claim to a water right for the correction of two items in your claim. First, the date of priority in Item 1 should specify as to the day and month of first usage. Also, the location of use in Item 6 has an "X" in thh NE $\frac{1}{4}$ NW $\frac{1}{4}$, whereas Items 5 and 8 show you to be using the water in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20. When these corrections are made we can then accept and process your claim to a water right.

Respectfully,

RODNEY A. PARKER
Sr. Water Resource Agent

RAP:dh

Attachment
Enclosure

ENCLOSURE

February 9, 1979

Mr. Leo B. Roper
Route #1, Box 126
Grace, Idaho 83241

Dear Mr. Roper:

I recently received your application for permit to appropriate water from an unnamed spring tributary to Steve's Creek. After reviewing the application, I have determined that you should file a claim to a water right in order to preserve an earlier priority date, as you have stated that water was first put to beneficial use in 1944.

Enclosed please find a claim to a water right form and a "Water User's Handbook," containing complete instructions for the proper completion of the claim. I am also returning your application for permit and your personal check, No. 897, in the amount of \$10.00. Please note that as of July 1, 1978, our statutory filing fees have realized an increase. It now costs \$20.00 to process a claim to a water right.

If you have any questions concerning the proper completion of the form, please call me and I will assist you by telephone. Also, be sure to place your notarized signature where indicated on the back of the claim.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:dh

Attachment
Enclosures

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve M.

Right Number _____ Applicant Rogers

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 _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J.S. Date 4/16/79

APPROVED