

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

RECEIVED

Please print or type. Attach pages with additional information. Instructions are on the back of this page. **JUN 08 2004**
Incomplete forms will be returned. DEPARTMENT OF WATER RESOURCES

1. Water Right or Adjudication Claim No(s): A74-804 & A74-10097 9-1-0030.

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

John W. Brown
RT 1 Box 89 Salmon

4. New Owner/Claimant(s)

Frank J + Norma J. Wellard

New Mailing Address

#9 Three Mile Lane

City, State and ZIP Code

Salmon Id 83467

New Telephone Number

208 756-3471

5. Date you acquired the property

12-17-03

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 _____ Number of homes _____ 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)

Frank J. Wellard

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

3/14/05 \$2500 1077121

cc: W.A.
11-3-04
-10

SCANNED

JUN 08 2004

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



First American Title Insurance Company

BY

Gary L. Keruett

PRESIDENT

ATTEST

Mark A. Anderson

SECRETARY

J 1577282

SCANNED

JUN 08 2004

SCHEDULE A

File No.

Policy No. 1577282

Amount of Insurance \$ 147,000.00

Premium \$ 746.00

Date of Policy DECEMBER 17, 2003

a.m. 11:14
p.m.

1. Name of Insured: FRANK J. WELLARD AND NORMA J. WELLARD, HUSBAND AND WIFE

2. The estate or interest in the land which is covered by the policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in: FRANK J. WELLARD AND NORMA J. WELLARD, HUSBAND AND WIFE

4. The land referred to in this policy is described as follows:

SEE ATTACHED EXHIBIT "A"

SCANNED

JUN 08 2004

WADE SURVEYING

104 S Warpath
Salmon, Idaho 83467

EXHIBIT "A"

Phone (208) 756-3070

November 24, 2003

PARCEL "A"

A parcel of land located in the SE1/4SW1/4, Section 14, T. 21 N., R. 22 E. Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SW Corner of said Section 14, from which the W1/4 Corner of said section bears N 00°11'45"E a distance of 2648.78 ft., the Basis Of Bearing of this description, run thence N 60°52'38"E a distance of 1510.98 ft. to a point on the southerly right-of-way of State Highway 28, the westerly boundary of said SE1/4SW1/4 and the POINT OF BEGINNING;

Thence S 54°14'24"E A distance of 352.98 ft. along said right-of-way;

Thence S 35°54'18"W a distance of 244.90 ft.;

Thence N 54°14'24"W a distance of 176.60 ft. to a point on the westerly boundary of said SE1/4SW1/4;

Thence N 00°05'40"E a distance of 301.44 ft. to the POINT OF BEGINNING.

PARCEL "B"

A parcel of land located in the SE1/4SW1/4, Section 14, T. 21 N., R. 22 E. Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SW Corner of said Section 14, from which the W1/4 Corner of said section bears N 00°11'45"E a distance of 2648.78 ft., the Basis Of Bearing of this description, run thence N 60°52'38"E a distance of 1510.98 ft. to a point on the southerly right-of-way of State Highway 28 and the westerly boundary of said SE1/4SW1/4;

Thence S 54°14'24"E A distance of 352.98 ft. along said right-of-way to the POINT OF BEGINNING;

Thence continuing S 54°14'24"E a distance of 572.06 ft. to a point on the westerly right-of-way of 3 Mile Lane;

Thence S 48°52'36"W a distance of 225.34 ft. along said right-of-way;

Thence N 60°38'24"W a distance of 228.23 ft.;

Thence N 54°14'24"W a distance of 294.74 ft.;

Thence N 35°54'18"E a distance of 244.90 ft. to the POINT OF BEGINNING.

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JUN 08 2004

SCHEDULE B

File No.

Policy No. 1577282

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any right, title or interest in any minerals, mineral rights or related matters including but not limited to oil, gas, coal and other hydrocarbons, whether or not shown by the public records.
7. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

8. GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2003 ARE PAID IN FULL.
9. THE RIGHT, TITLE AND INTEREST OF THE PUBLIC IN AND TO THOSE PORTIONS OF THE ABOVE DESCRIBED PREMISES FALLING WITHIN THE BOUNDS OF ROADS AND OR HIGHWAYS, DEDICATED AND OR OTHERWISE USED BY THE PUBLIC, AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS ATTENDANT AND PERTINENT TO SAID HIGHWAYS.
10. POWER LINE EASEMENT, FROM EVA MAYDOLE SMITH AND ELMER SMITH, HER HUSBAND, GRANTORS, TO IDAHO POWER COMPANY, A CORPORATION, RECORDED AUGUST 10, 1940, IN BOOK 35 OF DEEDS AT PAGE NO. 328, RECORDS OF LEMHI COUNTY, IDAHO.
11. POWER LINE EASEMENT, FROM JOHN W. BROWN AND VIRGINIA M. BROWN, HIS WIFE, GRANTORS, TO IDAHO POWER COMPANY, A CORPORATION, RECORDED DECEMBER 21, 1972, IN FILE OF AGREEMENTS UNDER INSTRUMENT NO. 122593, RECORDS OF LEMHI COUNTY, IDAHO.
12. DEED OF TRUST, DATED DECEMBER 9, 2003, FROM FRANK J. WELLARD AND NORMA J. WELLARD, HUSBAND AND WIFE, BORROWER, PAIGE PARKER C/O IMHOFF AND LYNCH, TRUSTEE AND U.S. BANK N.A., LENDER, IN THE AMOUNT OF \$ 117,600.00, RECORDED DECEMBER 17, 2003, UNDER INSTRUMENT NO. 256989, RECORDS OF LEMHI COUNTY, IDAHO.
13. DEED OF TRUST, DATED DECEMBER 16, 2003, FROM FRANK J. WELLARD AND NORMA J. WELLARD, HUSBAND AND WIFE, AND RULON G. WELLARD, A SINGLE MAN, GRANTOR, LEMHI TITLE & ABSTRACT CO., INC., TRUSTEE AND SODERBY LTD, BENEFICIARY, IN THE AMOUNT OF \$ 32,000.00, RECORDED DECEMBER 17, 2003, UNDER INSTRUMENT NO. 256990, RECORDS OF LEMHI COUNTY, IDAHO.

SCANNED

JUN 08 2004