

RECEIVED

JUN 21 2001

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

RECEIVED

JUN 19 2001

Department of Water Resources  
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

Department of Water Resources

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 72-10403              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) Garry L & Kathryn M Swindell  
P.O. Box 220 Challis, ID 83226
4. New Owner/Claimant(s) Pete L and Shiley L Nelson  
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address P.O. Box 563
- City, State and ZIP Code Challis, ID 83226
- New Telephone Number 208 879-5075
5. Date you acquired the property 3/2/01

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

X 7.  
Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

*Shiley Nelson*  
*Pat Nelson*

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 *[Signature]*

Date

*6/20/01*

Fee

*no fee submitted*

Received by *[Signature]*

Date

*AUG 16 2002*

Receipt No.

*0064016*

Processed by *[Signature]*

AJ

Date

WR

Date



# 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

*Parker S. Kennedy*

PRESIDENT

ATTEST

*Mark A. Amos*

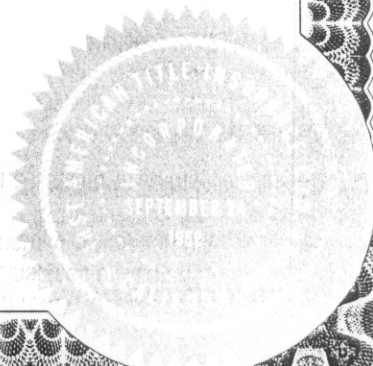
SECRETARY

COUNTERSIGNED BY:

*Letsy Kindt*

J

988892



## SCHEDULE A

Order No. 10475

Policy No. 988892

Amount of Insurance: \$140,000.00

Premium \$725.00

Date of Policy: May 2, 2001 4:15 P.M.

1. Name of Insured:

PETE L. NELSON AND SHILEY L. NELSON, husband and wife

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

A FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

PETE L. NELSON AND SHILEY L. NELSON, husband and wife

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

See attached Schedule C

## SCHEDULE B

Order No. 10475

Policy No. J 988892

### 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 1

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 of 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 the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water whether or not the matters excepted under (a), (b), or © are shown by the public records.
6. 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.
7. General taxes for the year 2001, which are a lien, payable on or before December 20 of said year.
8. Right, title, and interest of the Public in and to those portions of the above described premises falling within the bounds of roads and highways.
9. Sanitary Regulations and Restrictive Covenants dated June 3, 1981, from Robert C. Cunningham and Elaine I. Cunningham, husband and wife, to the Public, recorded June 16, 1981, as instrument Nos. 158531 and 158532. Amended Restrictive Covenants recorded November 7, 1983, as instrument No. 169557. Amended Restrictive Covenants recorded May 14, 1996, as instrument No. 211032, all records of Custer County, Idaho.

## **SCHEDULE B - Continued**

Order No. 10475

Policy No. J 988892

10. Deed of Trust dated May 1, 2001, executed by Pete L. Nelson and Shiley L. Nelson, husband and wife, to Pioneer Title Company, Trustee, for Wells Fargo Home Mortgage, Inc., Beneficiary, securing the payment of \$126,000.00 and interest, recorded May 2, 2001, as instrument No. 222668, records of Custer County, Idaho.

## SCHEDULE C

Order No. 10475

Policy No. J 988892

The land referred to in this policy is situated in the State of Idaho, County of Custer and is described as follows:

A parcel of land located in the ~~W1/4~~NW1/4, Section 10, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at the Northwest corner of said Section 10, from which the West Quarter Corner of Section 3 bears North 0°31'14" West; thence 1617.24 feet on a bearing of South 0°18'44" East, along the West boundary of said Section 10 to a point on the Northerly right of way of the county road; thence North 85°03'17" East, 191.71 feet along said right of way to the REAL POINT OF BEGINNING; thence North 1°09'19" East, 280.56; thence North 64°25'41" East, 293.34 feet; thence South 1°09'19" West, 384.49 feet to a point on the Northerly right of way of county road; thence South 85°03'17" West, 263.49 feet to the REAL POINT OF BEGINNING.

ALSO

Lot 1, Rocky Mountain Meadows, Custer County, Idaho, as shown by the Official Plat thereof, recorded as instrument NO. 158530, records of Custer County, Idaho.