



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 18, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICHAEL W ANDERSON
JANELL S ANDERSON
PO BOX 6158
ELKO NV 89802

RE: Change in Ownership of Decreed Water Right 67-11527

Dear Mr. & Mrs. Anderson:

The Department of Water Resources acknowledges receipt of the Notice of Change in Water Right Ownership filed on August 28, 2000 for the water right referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right(s) with a place of use different than your property as described in the documentation you submitted. We have reviewed your current information and found that it is not sufficient to resolve the place of use discrepancy. The deeds and map that you sent indicate the place of use within the SESW of Section 4. The decreed water right shows the place of use as SESE in Section 4. A copy of the decreed water right is enclosed for your information.

In order to correctly process your change in ownership, we need documentation to show that you own the water right(s) or the property described as the place of use for the water right(s). If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Roxanne Brown of this office at 327-7900 if you have questions related to the SRBA. Ms. Brown can assist you with the SRBA Court's processes.

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As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source.
- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments submitted with your notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend
Secretary

KLT:k

Enclosure

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

RECEIVED

AUG 28 2000

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY - 7 2001

Department of Water Resources

1. Water Right Number(s) see attached 67-11527
Adjudication Claim Number(s) see attached
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 on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) FRANKLIN JOHN MATHER AND PATRICIA SMITH
1006 E. LIBERTY
WEISER, ID 83672
4. New Owner/Claimant(s) MICHAEL W. ANDERSON AND JANELL S. ANDERSON
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. BOX 6158
City, State and ZIP Code ELKO, NV 89802
New Telephone Number (775) 778-0721
5. Date you acquired the property 7/19/00
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 actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
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/Claimant(s) Janel Anderson Date 8/24/00
Michael W. Anderson Date 8/24/00
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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WARRANTY DEED

For Value Received

FRANKLIN JOHN MATHER AND MARCELLA L. MATHER, husband and wife AND
PATRICIA SMITH AND JOHNNY RICHARD SMITH, wife and husband

does hereby GRANT, BARGAIN, SELL AND CONVEY unto

MICHAEL W. ANDERSON AND JANELL S. ANDERSON, husband and wife

whose current address is

P.O. Box 6158, ELKO, NV 89802

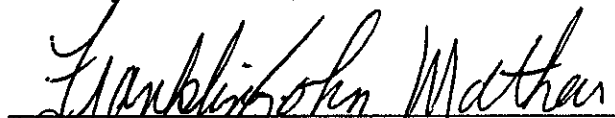
the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO

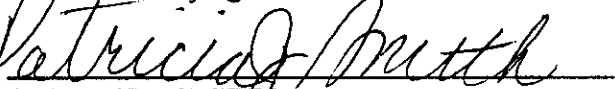
SEE ATTACHED EXHIBIT "A"

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise
belonging.Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications,
mineral leases, mineral reservations and mineral conveyances of record.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees, heirs
and assigns forever. 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, excepting
reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or
existing and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: JULY 18, 2000



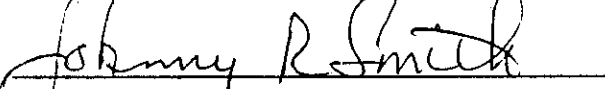
FRANKLIN JOHN MATHER



PATRICIA SMITH

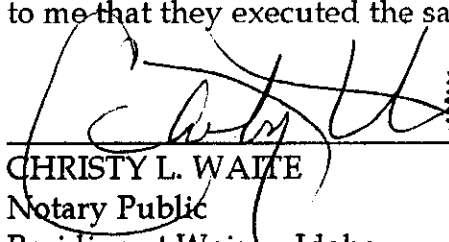


MARCELLA L. MATHER



JOHNNY RICHARD SMITH

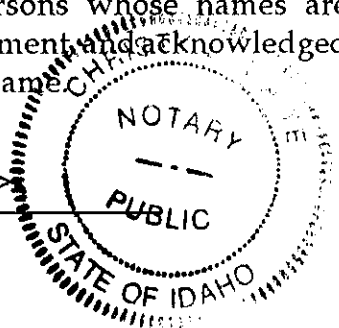
STATE OF IDAHO, COUNTY OF WASHINGTON

On this 18th day of JULY, 2000, before me, a notary
public in and for the said State, personally appeared
FRANKLIN JOHN MATHER, MARCELLA L.
MATHER, PATRICIA SMITH AND JOHNNY RICHARD SMITH
known to me to be the persons whose names are
subscribed to the within instrument and acknowledged
to me that they executed the same.
CHRISTY L. WAITE

Notary Public

Residing at Weiser, Idaho

Comm. Expires 11/4/2003



Instrument # 180243

WEISER, WASHINGTON COUNTY, IDAHO

2000-07-19

Recorded for : WEISER VALLEY, TITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED

11:00 AM JUL 19 2000

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See 600

See 600

See 600

EXHIBIT "A"

FILE NO.:100-00-7660

IN TOWNSHIP 11 NORTH, RANGE 2 WEST, BOISE MERIDIAN, WASHINGTON COUNTY,
IDAHO:

- SECTION 4: SW1/4SW1/4 and SE1/4SW1/4 EXCEPTING a tract described as follows: Beginning at the northeast corner of the said SE1/4SW1/4; thence running due West 137 feet; thence in a southeasterly direction along the fence as now constructed for a distance of 343 feet to a stone monument; thence northeasterly a distance of 122 feet to the east line of said SE1/4SW1/4; thence North a distance of 308 feet to the place of beginning.
- SECTION 5: LOTS 1, 2, 3, and 4, S1/2NE1/4, S1/2NW1/4, NE1/4SW1/4, S1/2SW1/4 AND SE1/4;
- SECTION 7: NE1/4NE1/4;
- SECTION 8: S1/2NE1/4 AND NW1/4.

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QUITCLAIM DEED

For Value Received

LEONARD O. VAILE, a widower

do hereby convey, release, remise and forever quitclaim unto
FRANKLIN JOHN MATHER, son AND PATRICIA SMITH, daughter
whose current address is 1006 EAST LIBERTY, WEISER, ID 83672
the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

IN TOWNSHIP 11 NORTH, RANGE 2 WEST, BOISE MERIDIAN, WASHINGTON
COUNTY, IDAHO:

SECTION 4: SW1/4SW1/4 and SE1/4SW1/4 EXCEPTING a tract
described as follows: Beginning at the northeast
corner of the said SE1/4SW1/4; thence running due
West 137 feet; thence in a southeasterly direction
along the fence as now constructed for a distance
of 343 feet to a stone monument; thence north-
easterly a distance of 122 feet to the east line of
said SE1/4SW1/4; thence North a distance of 308
feet to the place of beginning.

SECTION 5: LOTS 1, 2, 3 and 4, S1/2NE1/4, S1/2NW1/4,
NE1/4SW1/4, S1/2SW1/4 and SE1/4;

SECTION 7: NE1/4NE1/4;

SECTION 8: S1/2NE1/4 AND NW1/4.

Instrument # 180241

WEISER, WASHINGTON COUNTY, IDAHO

2000-07-19

11:00:00 No. of Pages: 1

Recorded for: WEISER VALLEY TITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED

Fee: 3.00

together with their appurtenances.

Dated: JULY 17, 2000

Leonard O. Vaile
LEONARD O. VAILE

STATE OF IDAHO, COUNTY OF Adams

On this 17th day of JULY, 2000, before me, a
notary public in and for the said State, personally appeared

LEONARD O. VAILE

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

Donna Michael

Notary Public

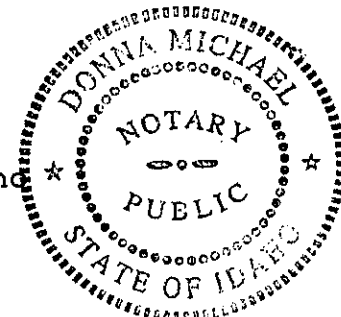
Residing at

Comm. Expires

Council

10-07-00

Idaho



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PERSONAL REPRESENTATIVE'S DEED

For Value Received, LEONARD O. VAILE, the duly appointed qualified and acting Personal Representative of the Estate of Betty Jean Vaile, Deceased, pursuant to appointment by the Magistrate Division of the District Court of the Third Judicial District in and for Washington County, State of Idaho, the Grantors does hereby grant, bargain, sell and convey unto FRANKLIN JOHN MATHER, Son, and PATRICIA SMITH, Daughter, the Grantees, of Box 71 New Meadow, Idaho 83654, all right, title and interest of the said estate in and to the following described premises, located in the County of Washington, State of Idaho, to-wit:

IN TOWNSHIP 11 NORTH, RANGE 2 WEST, BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

SECTION 4: SW1/4SW1/4 and SE1/4SW1/4 EXCEPTING a tract described as follows: Beginning at the northeast corner of the said SE1/4SW1/4; thence running due West 137 feet; thence in a southeasterly direction along the fence as now constructed for a distance of 343 feet to a stone monument; thence northeasterly a distance of 122 feet to the east line of said SE1/4SW1/4; thence North a distance of 308 feet to the place of beginning.

SECTION 5: LOTS 1, 2, 3, AND 4, S1/2NE1/4, S1/2NW1/4, NE1/4SW1/4, S1/2SW1/4 AND SE1/4;

SECTION 7: NE1/4NE1/4;

SECTION 8: S1/2NE1/4 AND NW1/4.

This deed is executed to correct the legal description in previous personal representatives deeds.

TO HAVE AND TO HOLD, the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And said Grantors do hereby covenant to and with the said Grantees that the property is free from all encumbrances excepting reservations, easements, encumbrances, restrictions and rights-of-way appearing of record and/or existing, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: July 12, 2000

Leonard O. Vaile
Leonard O. Vaile

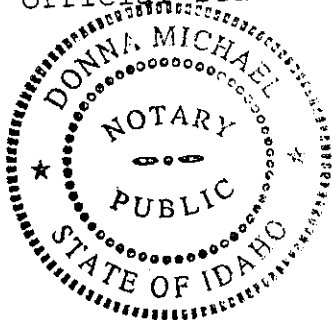
PERSONAL REPRESENTATIVE OF THE ESTATE OF
BETTY JEAN VAILE

STATE OF IDAHO)

County of Adams)

On this 12 day of July, 2000 before me, a notary public in and for said State, personally appeared Leonard O. Vaile, known to me to be the person whose name is subscribed to the within instrument as Personal Representative and acknowledged to me that he executed the same in his official capacity as Personal Representative of the said estate.

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



Donna Michael
Notary Public for said State of Idaho
RESIDING AT: Council
COMMISSION EXPIRES: 10-07-00

Instrument # 180242

WEISER, WASHINGTON COUNTY, IDAHO
2000-07-19 11:00:00 No. of Pages: 1
Recorded for: WEISER VALLEY TITLE
SHARON WIDNER Fee 3.00
Ex-Officio Recorder Deputy Jane McNight
Index to: DEED

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SEP 16 2003

