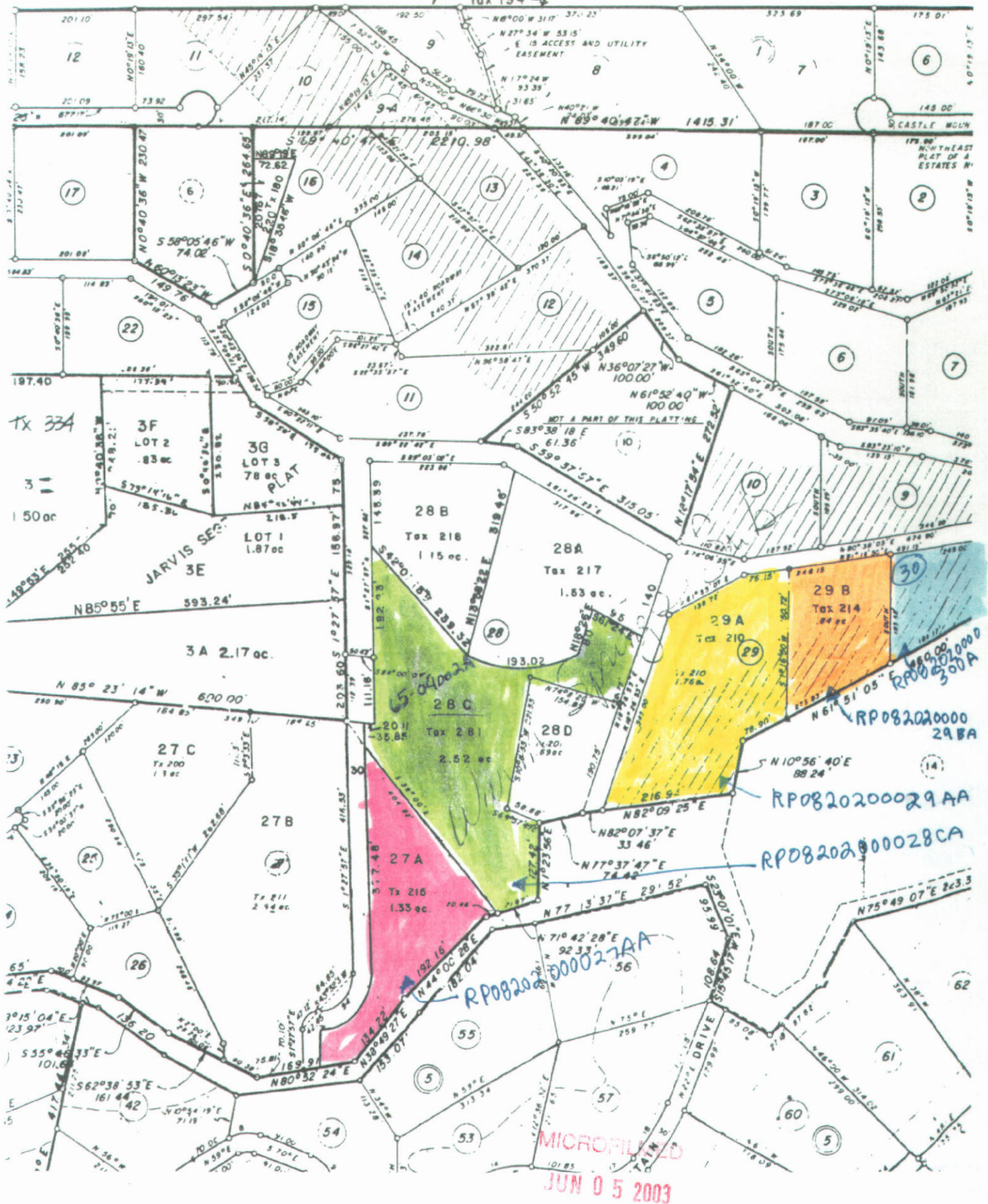


TAX ID, 281
Tax 194 -



Idaho Department of Water Resources

T10N R04E
S33

65-04002A

Prepared by:

Ron Howerton

Date: Oct 29, 02

 Place of use

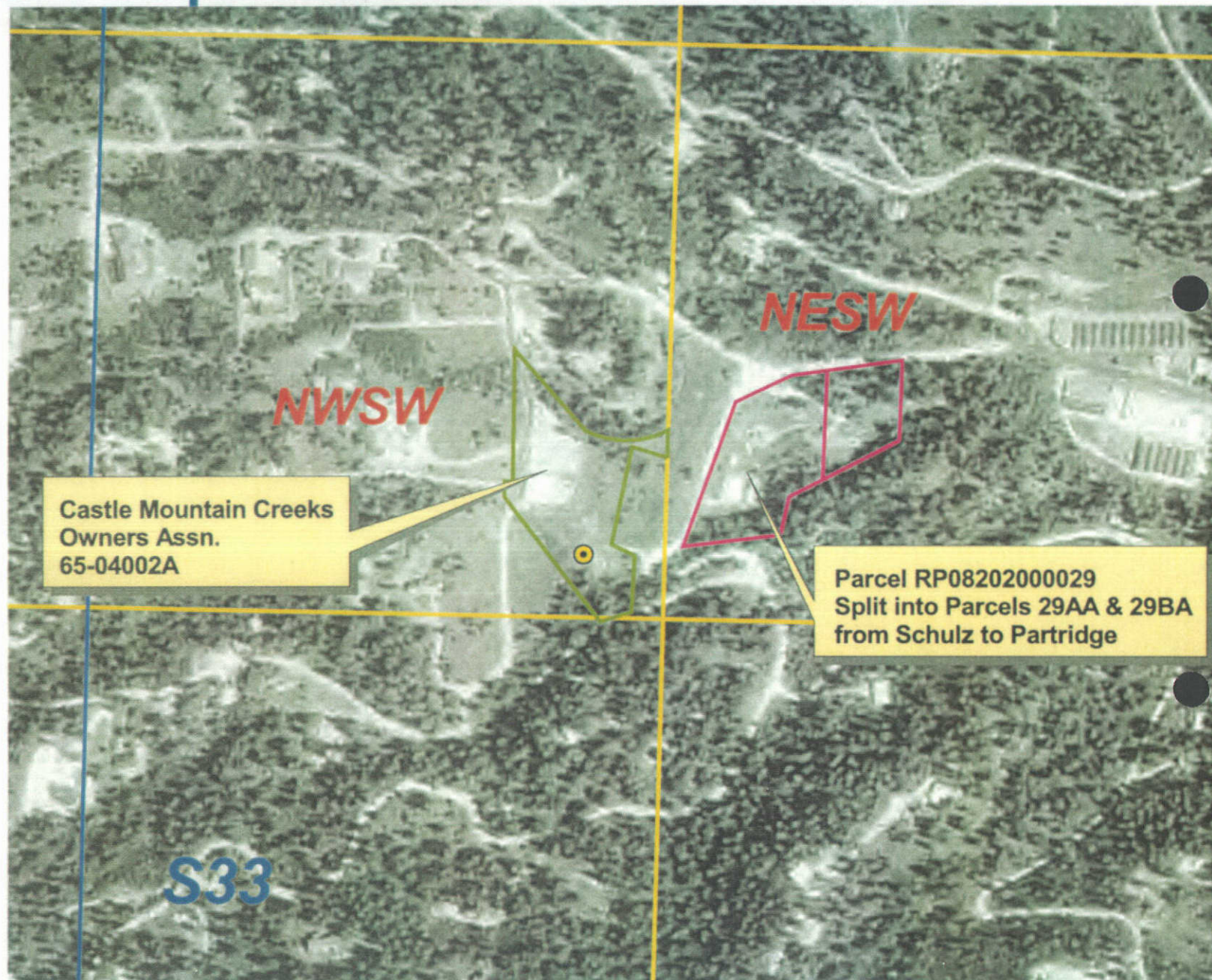
 POD

 SECTION LINES

 1/4 1/4 LINES



V11 DOQ



0 0.1 0.2 0.3 0.4 0.5 Miles

Idaho Department of Water Resources

**T10N R04E
S32 & S33**

65-04002A

Prepared by:

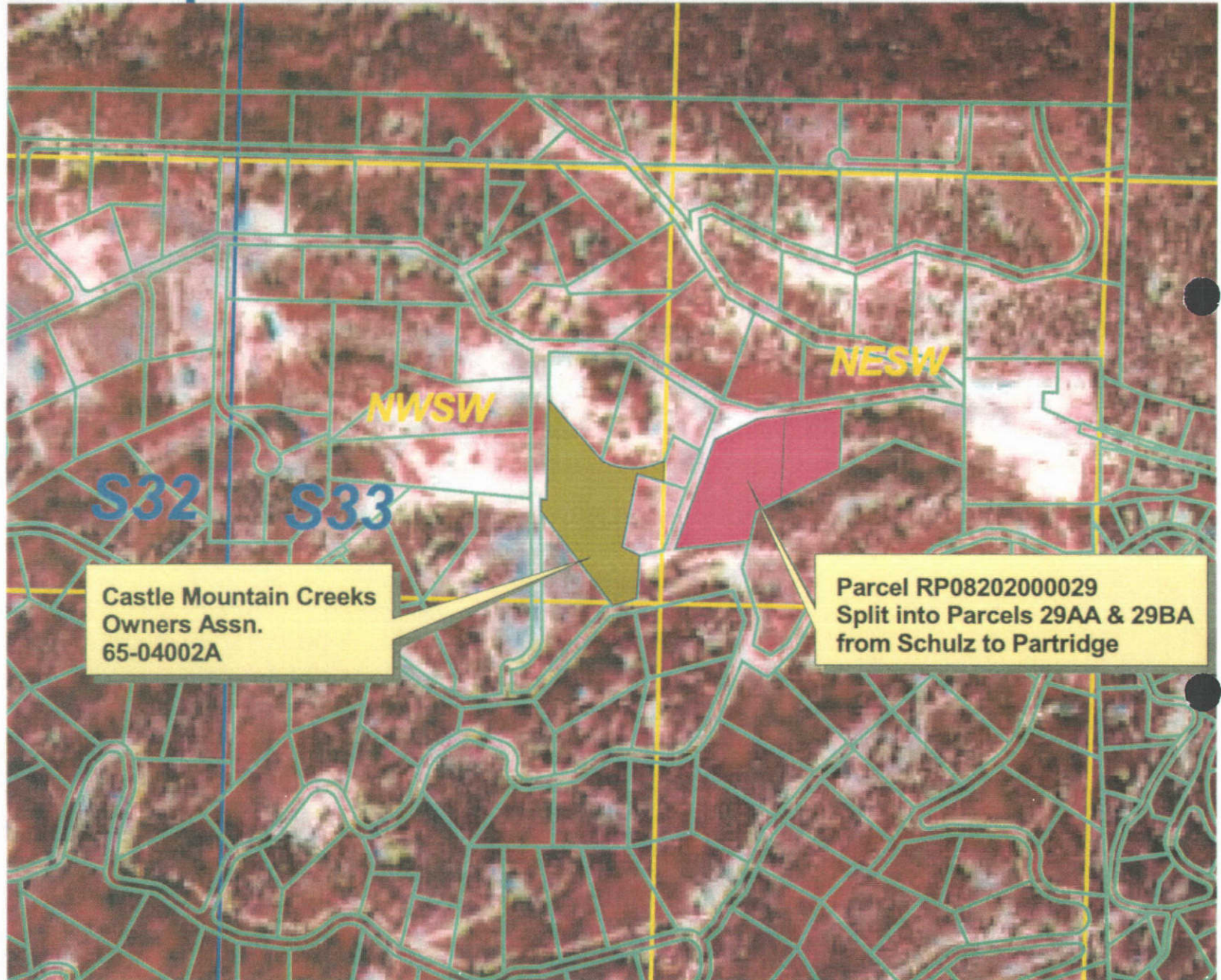
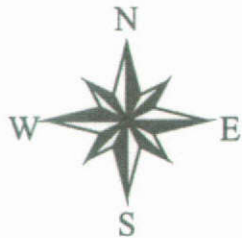
Ron Howerton

Date: Oct 29, 02

MICROFILM
JUN 05 2003

SECTION LINES

1/4 1/4 LINES



1987 NAPP

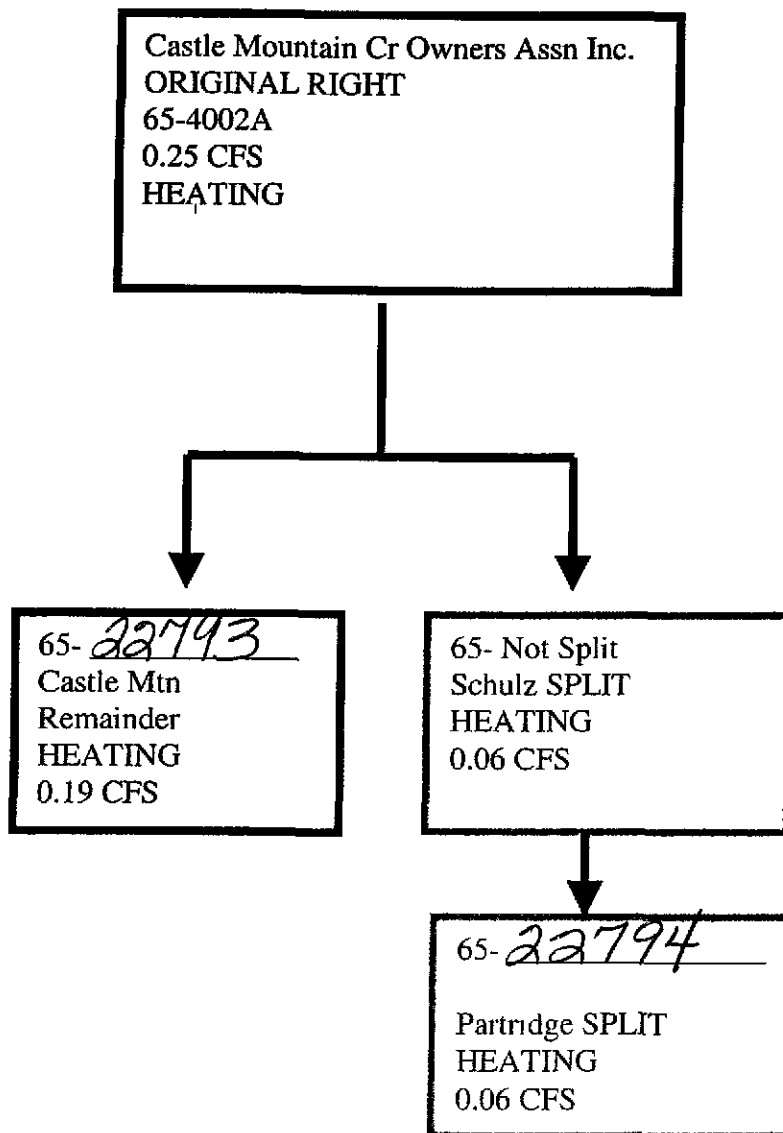
0 0.1 0.2 0.3 0.4 0.5 0.6 Miles

SPLIT TREE

CLAIMS 65-4002A
AGENT: Ron Howerton
Date: 8/5/2002

REMAINDER 65- 22793 = 0.19 CFS @ Heating
PARTRIDGE SPLIT 65- 22794 = 0.06 CFS @ Heating

TOTALS = Heating @ 0.25 CFS (Split per Water rights agreement between Castle Mountain Creek Owners Association Inc. & Usto Schutz & Diana Schutz.) Then new owners (William R. Partridge & Marlene J. Partridge) bought Usto & Diana Schutz's property.



MICROFILMED

JUN 05 2003

fw
4/24/03

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22794

WATER RIGHT NUMBER: 65-22794

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	CASTLE MOUNTAIN CREEK OWNERS ASSN INC HC 76 BOX 4001 GARDEN VALLEY, ID 83622 (208) 462-3765
Current Owner	WILLIAM R PARTRIDGE 816 S MIDDLE FORK RD GARDEN VALLEY, ID 83622
Current Owner	MARLENE J PARTRIDGE 816 S MIDDLE FORK RD GARDEN VALLEY, ID 83622

Priority Date: 06/01/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	01/01 to 12/31	0.060 CFS	
	<u>Total Diversion</u>	0.060 CFS	

Location of Point(s) of Diversion

SPRINGS	NW1/4SW1/4	Sec. 33, Twp 10N, Rge 04E, B.M
BOISE County		

Place of UseHEATING Within BOISE County

T10N R04E S33 NWSW

Conditions of Approval

- 1 C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE SECTION 42-1412(6), IDAHO CODE

MICROFILMED

JUN 9 5 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-22794

Remarks

1. Purpose of Use HEATING IS FOR MAINTENANCE SHED & SPAS
2. Explanatory RIGHT NO 65-04002X IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE
PROPERTY IS ALSO KNOWN AS PART OF LOT 28, WARM SPRINGS SUBDIVISION

Comments

1. kwalker 4/24/2003 Split of 65-4002A
Comment: Right 65-4002A has been split into 65-22793 (Castle Mtn.) and 65-22794 (Partridge).

Dates and Other Information

Decreed Date: 2/13/2003

Water District Number: 65



A Pioneer Company
PIONEER TITLE COMPANY
 OF ADA COUNTY
 821 W. State St. / Boise, Idaho 83702
 (208) 373-3744

Instrument # 186156
 IDAHO CITY, BOISE COUNTY, IDAHO
 2002-06-21 04:03:13 No. of Pages: 2
 Recorded for : PIONEER TITLE
 RORA A. CANODY Fee: 6.00
 Ex-Office Recorder Deputy *Shirley Henry*
 Index fee: 0.50

#217652 AA/MA

WARRANTY DEED

For Value Received ^EUSTO R. SCHULZ and DIANA G. SCHULZ, Husband and Wife *UV*

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

WILLIAM R. PARTRIDGE and MARLENE J. PARTRIDGE, Husband and Wife *UP*

hereinafter referred to as Grantee, whose current address is,,
 the following described premises, to-wit:

1701 VALLEY DR.
 LAS VEGAS, NV. 89108 *MSR*

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements rights and rights of way, apparent or of record.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

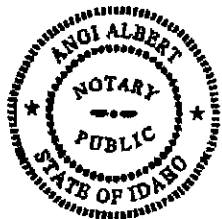
Dated: June 19, 2002

Usto R. Schulz
 Usto R. Schulz
UV

Diana G. Schulz
 Diana G. Schulz

STATE OF IDAHO. County of Ada, ss.

On this 20th day of June, in the year of 2002, before me Angi Albert, notary public personally appeared Usto Schulz and Diana Schulz known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Angi Albert
 Angi Albert
 Notary Public of Idaho
 Residing at Boise, Idaho
 Commission expires April 13, 2007

MICRO

JUN 23 2003

EXHIBIT A

A portion of Lot 29, amended plat of a portion of Warm Springs Estates No. 1, according to the official plat thereof filed as Instrument No. 85591, records of Boise County, Idaho, said subdivision being situated in the Southwest quarter of Section 33, Township 10 North, Range 4 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found steel pin monumenting the Northeast corner of said Lot 29, said pin being the REAL POINT OF BEGINNING; thence
South along the Easterly boundary of said Lot 29 a distance of 183.52 feet to the Southeasterly corner of said Lot 29 thence along the Southerly boundary of said Lot 29,
South 61 degrees 51'05" West, a distance of 196.93 feet to a set steel pin; thence leaving said boundary
North 1 degrees 16'50" East, a distance of 250.72 feet to a set steel pin on the Northerly boundary of said Lot 29; thence along said Northerly boundary
North 81 degrees 16'50" East, a distance of 170.00 feet to the REAL POINT OF BEGINNING.

AND

A portion of Lot 29 of the Amended Plat of a portion of Warm Springs Estates No. 1, according to the official plat thereof filed as Instrument No. 85591, records of Boise County, Idaho, said subdivision being situated in the Southwest quarter of Section 33, Township 10 North, Range 4 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found steel pin monumenting the Northeast corner of said Lot 29, thence along the Northerly boundary of said Lot 29
South 81 degrees 16'50" West, a distance of 170.0 feet to a set steel pin, said pin being the REAL POINT OF BEGINNING, thence leaving said boundary
South 01 degree 16'50" West, a distance of 250.72 feet to a set steel pin on the Southeasterly boundary of said Lot 29, thence following the boundary of said Lot 29 the following courses and distance,
South 61 degrees 51'04" West, a distance of 78.90 feet to a point, thence
South 10 degrees 56'40" West, a distance of 88.24 feet to a point, thence
South 82 degrees 09'26" West, a distance of 216.94 feet to a point, thence
North 18 degrees 26'54" East, a distance of 345.0 feet to a point, thence
North 61 degrees 55'07" East, a distance of 138.72 feet to a point, thence
North 81 degrees 16'48" East, a distance of 76.15 feet to the REAL POINT OF BEGINNING.

AND

Lot 30 of the Amended Plat of a Portion of Warm Springs Estates No. 1, according to the plat thereof, filed June 10, 1984 as Instrument No. 85591, records of Boise County, Idaho.

MICHAEL L. LEE

JUN 05 2003

RECEIVED

APR 11 2003

WATER RESOURCES
WESTERN REGION

Instrument # 190207

IDAHO CITY, BOISE COUNTY, IDAHO

2003-04-08

03:12:54 No. of Pages: 2

Recorded for : USTO & DIANA SCHULZ

RORA A. CANODY

Fee: 6.00

Ex-Officio Recorder Deputy

Index to DEEDS

Accommodation - (AA)

QUITCLAIM DEED

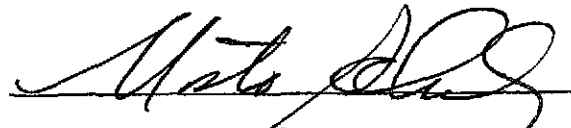
For value received, Usto E Schulz and Diana G. Schulz whose address is 2473 South Culpeper Ave., Boise, ID 83709, hereinafter referred to as "Grantor", does hereby convey, release, remise and forever quitclaim unto William R. and Marlene J. Partridge husband and wife whose address is 7 Castle Mountain Drive, Garden Valley, ID 83622 hereinafter referred to as "GRANTEE" the following described portion of Water Right No. 65-04002A, to wit:

0.06 cfs

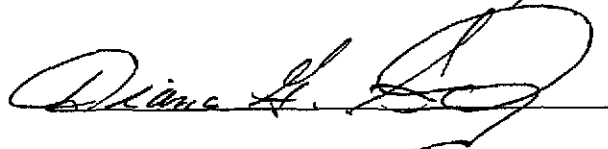
SUBJECT to the following restrictive covenant that shall run with the property interest: This portion of Water Right No. 65-04002A shall be put to a beneficial use and all necessary approvals shall be obtained from IDWR to place this share of Water Right No. 65-04002A to beneficial use within 12 months of the issuance of this quitclaim deed; if this portion of Water Right 65-04002A is not put to beneficial use by the date agreed to above, or the necessary approvals to do so are not obtained by such date, Grantee shall convey the 0.06 cfs share of Water Right No. 65-04002A back to Grantor by recordable quitclaim deed delivered to Grantor within 60 days of the expiration of the 12 month deadline.

IN WITNESS THEREOF, the Grantor caused its name to be hereunto subscribed
this 7th day of April, 2003.

Usto & Diana Schulz



Usto E. Schulz



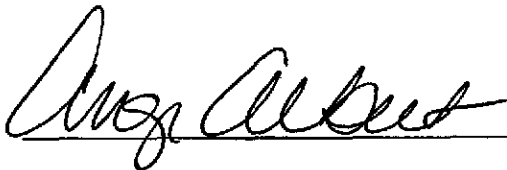
Diana G. Schulz

MICROFILMED

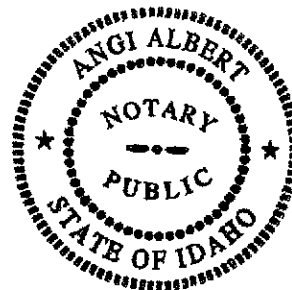
APR 10 2003

STATE OF IDAHO)
) ss.
County of Ada)

On this 7th day of April, 2003, before me, a Notary Public
for the State of Idaho, personally appeared Usto E Schultz and
Diana G. Schultz known or identified to me to be the
person/persons whose name is/are subscribed to the within instrument, and acknowledged
to me that he/she/they executed the same.



Angi Albert
Notary Public of Idaho
Residing at Boise, Idaho
Commission expires: April 13, 2007



MICRO
JUN 13 2007

RECEIVED

FEB 10 2003

WATER RESOURCES
WESTERN REGION

Instrument # 189349

IDAHO CITY, BOISE COUNTY, IDAHO

2003-02-07

10:41:12 No. of Pages: 2

Recorded for : BOHNER LAW OFFICE

RORA A. CANODY

Fee: 6.00

Ex-Officio Recorder Deputy

Index to DEEDS

(Space above line for recording)

QUITCLAIM DEED

For value received, CASTLE MOUNTAIN CREEKS OWNERS ASSOCIATION, INC., whose address is HC 76, Box 4001, Garden Valley, Idaho 83622, hereinafter referred to as "Grantor," does hereby convey, release, remise and forever quitclaim unto USTO E. SCHULZ and DIANA G. SCHULZ, husband and wife, whose address is 2473 S. Culpeper Ave., Boise Idaho 83709-2499, hereinafter referred to collectively as "Grantee," the following described portion of Water Right No. 65-04002A, to wit:

0.06 cfs

SUBJECT to the following restrictive covenant that shall run with the property interest: This portion of Water Right No. 65-04002A shall be put to a beneficial use and all necessary approvals shall be obtained from IDWR to place this share of Water Right No. 65-04002A to beneficial use within 12 months of the issuance of this quitclaim deed; if this portion of Water Right No. 65-04002A is not put to beneficial use by the date agreed to above, or the necessary approvals to do so are not obtained by such date, Grantee shall convey the 0.06 cfs share of Water Right No. 65-04002A back to Grantor by recordable quitclaim deed delivered to Grantor within 60 days of the expiration of the 12-month deadline.

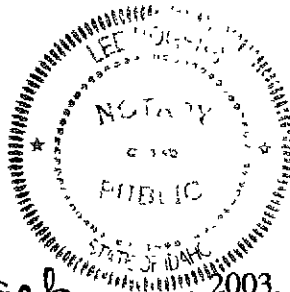
IN WITNESS WHEREOF, the Grantor has caused its name to be hereunto subscribed this 2nd day of February, 2003.

CASTLE MOUNTAIN CREEKS
OWNERS ASSOCIATION, INC.

By Robert E. Quake

President

County of Boise) ss.



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


Notary Public in and for the State of Idaho
Residing at Harden Valley, Id 83622
Commission Expires: 3-08-2006

Idaho Department of Water Resources

T10N R04E

S33

65-04002A

Prepared by:

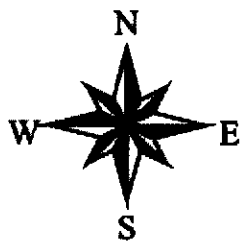
Ron Howerton

Date: Oct 29, 02

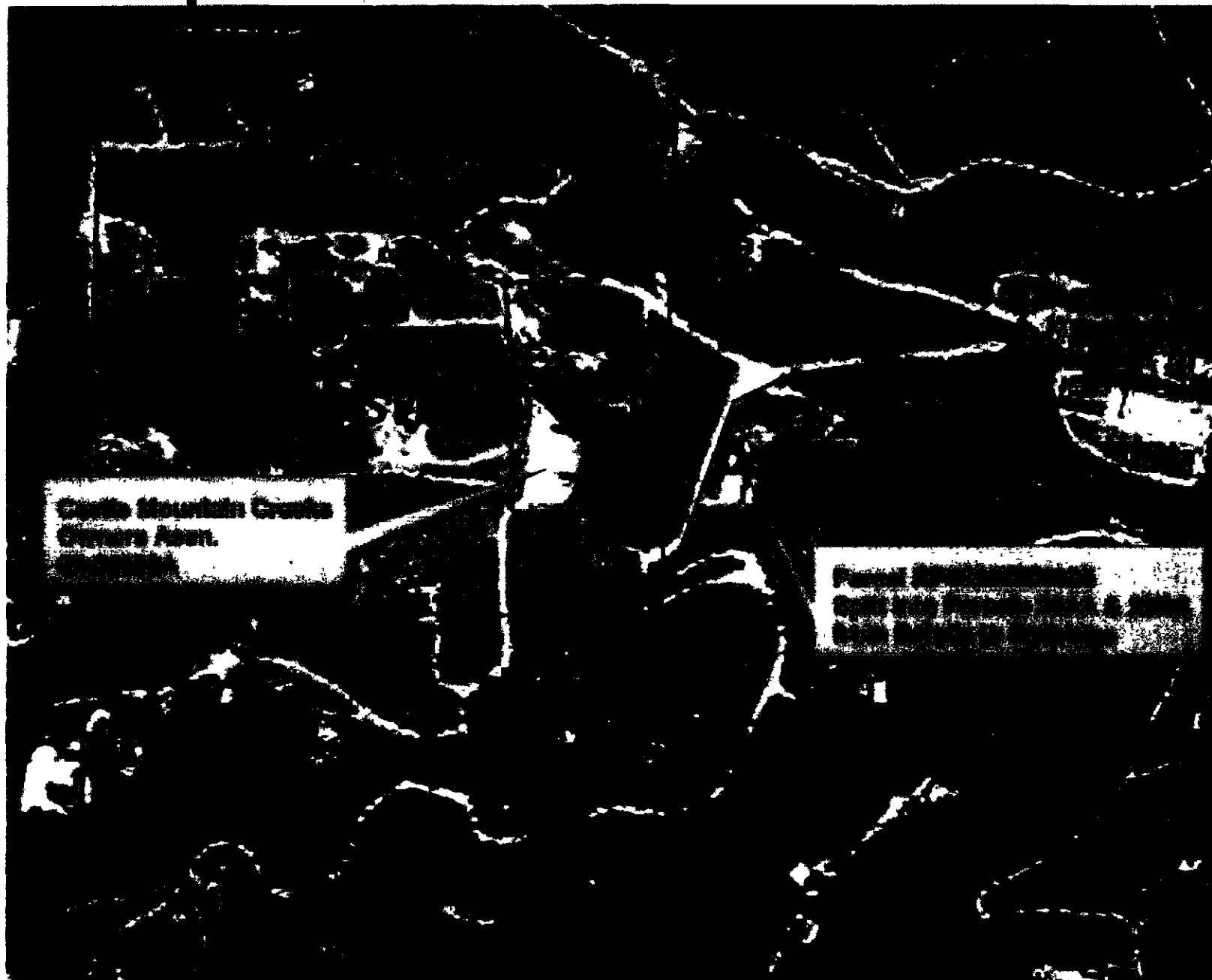
 Place of use

● POD

 SECTION LINES
1/4 1/4 LINES



V11 DOQ



0 0.1 0.2 0.3 0.4 0.5 Miles

Idaho Department of Water Resources

**T10N R04E
S32 & S33**

65-04002A

Prepared by:

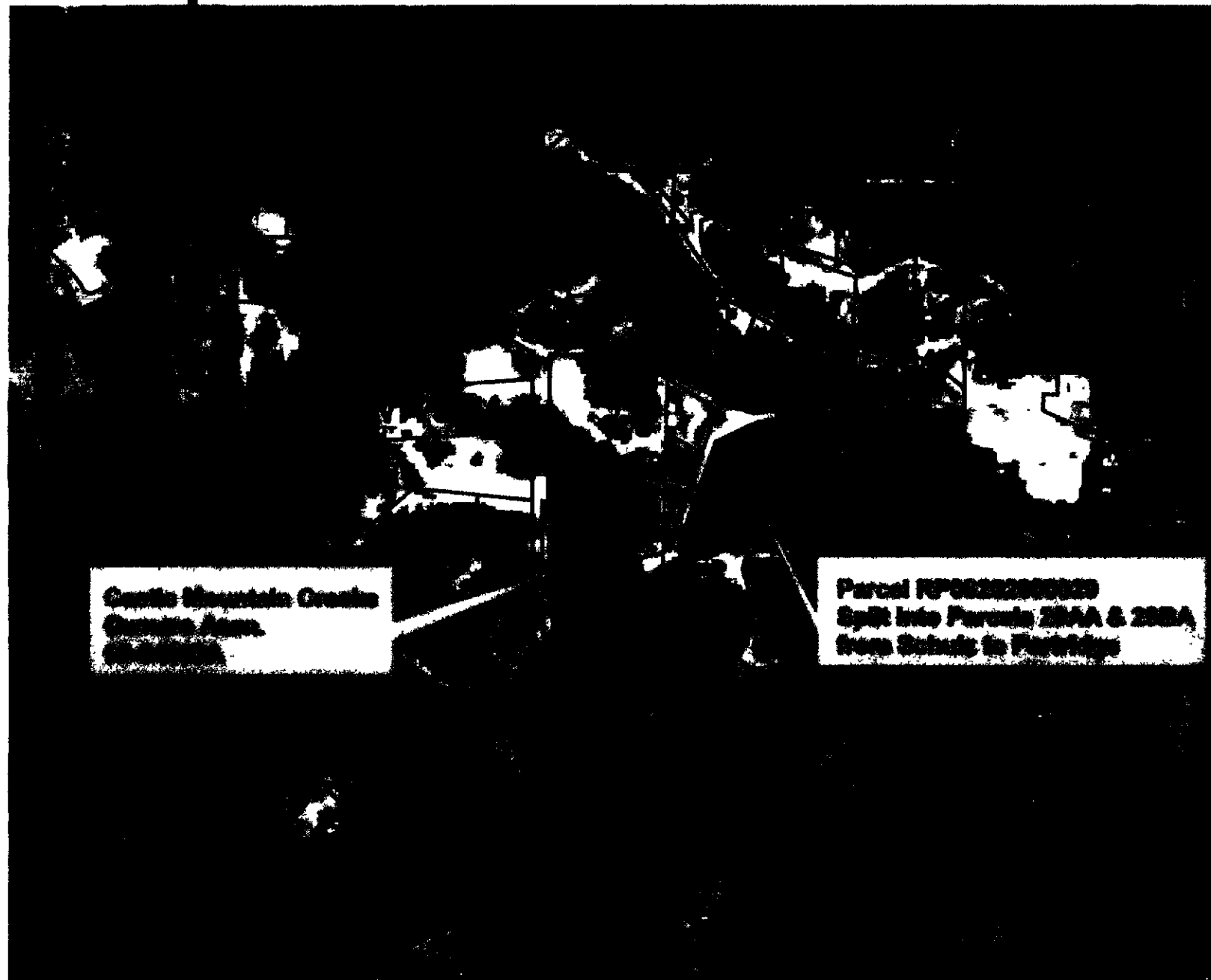
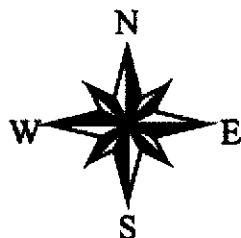
Ron Howerton

Date: Oct 29, 02

June 10 5 2003
Miles

SECTION LINES

1/4 1/4 LINES



1987 NAPP



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY - 5 2003

Department of Water Resources

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights
(Please print or type)

[] Water Right Number(s) 65-22794

[] Name(s) WILLIAM R PARTRIDGE
MARLENE J PARTRIDGE

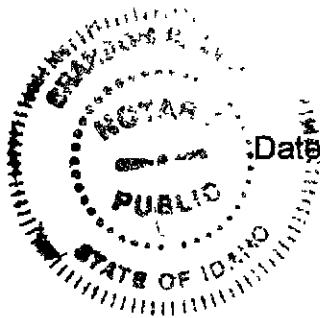
[] Old Mailing Address: _____

[] New Mailing Address: 7 CASTLE MOUNTAIN DR
GARDEN VALLEY ID 83622

Telephone Number: (208) 462 - 4750

[] Signature(s) of Owner(s) Marlene Partridge / William Partridge

(Include your title if on behalf of company or organization)



Date

April 27, 2003

Notary Public for Idaho
My Commission Expires 10/05/2005

MICROFILMED
MAY 12 2003



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 25, 2003

W R PARTRIDGE
7 CASTLE MOUNTAIN DR
GARDEN VALLEY ID 83622

RE: Water Right Nos. 65-22794 (Old No. 65-04002A) and 65-12719

Dear Mr. Partridge:

We have reviewed the ownership changes for the above referenced water rights.

We have completed the ownership change on 65-04002A which was split into Water Right Nos. 65-22793 (Castle Mountain Creek Owners Assn. Inc.) and 65-22794 (W. R. Partridge). Enclosed, for your file, is a copy of a Water Right Report showing you as the current owner of this right. Please note that you need to get the Application for Transfer submitted and approved to "move" this right to your property.

Be advised that the address on the ownership change form is what our computer records show. I am enclosing a Change of Address form for your convenience. I have previously sent this form to Mrs. Partridge, along with an Application for Transfer, on April 22. We only need one form returned. We must have a signed document to change addresses in our records. Please return the address change form so we can update our computer.

In regard to Right 65-12719, we find we need additional information before we can complete the ownership change. Enclosed, for your information, is a copy of the license as it was issued in March of 1998. We need clarification on just how this right has been split. The ownership change form describes 0.02 cfs to be changed to you for irrigation use. However, in review of the deed and our license file, it appears that you have purchased all of the property that this license is appurtenant to. The deed is silent in regard to Mr. Schultz retaining a portion of the right. As you can see on the enclosed license, this right was licensed for the irrigation of 1 acre of land and heating use in a greenhouse. If Mr. Schulz withheld a portion of this right, evidence of the agreement stating this should be submitted. If you purchased the greenhouse and the entire acre of land that had been licensed, a split of the water right should not be necessary. I will "hold" this ownership change for the next 30 days for the additional information requested. If we do not receive the information within this time period we will return the ownership change form and filing fee.

MICROFILMED
JUN 15 2003

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the printed name.

KAY WALKER
Sr. Water Resource Agent

Kw:k
Enclosures

Cc: USTO &/OR DIANA SCHULZ
HC 76 BOX 4048
GARDEN VALLEY ID 83622

RON HOWERTON, IDWR
WESTERN REGION

MICROFILMED
JUN 05 2007

MEMORANDUM

Date: April 23, 2003

To: WR File No. 65-4002A and 65-12719

From: Jeff Peppersack *JP*

Re: Ownership Change

I have reviewed ownership change notices and the attached documentation along with IDWR memos and correspondence related to the changes. I will address each right separately below:

65-4002A

This right was decreed in the name of Castle Mountain Creeks Owners. A portion of the right was conveyed to Schulz through a quit claim deed in the amount of 0.06 cfs. The quit claim deed included conditions that, if not met, require conveyance back to Castle Mountain Creek Owners. The same 0.06 cfs was conveyed to Partridge with similar conditions. The ownership change from Schulz to Partridge was received by IDWR while the water right was claimed and pending in the SRBA, so the notice is exempt from fees. The ownership change can be processed at this time, but a transfer will be necessary to use the right at the new place of use, since it is different than the decreed place of use. Point of diversion could also change. Partridge has been informed of the need to file a transfer.

65-12719

This right was licensed to Schulz in 1998 and was not claimed, or required to be claimed, in the SRBA. The ownership change from Schulz to Partridge includes a legal description, but no deed. A warranty deed attached to documentation associated with 65-4002A can be used for proof of ownership of the land. However, the notice filed to change the ownership indicates a split is necessary, but the deed is silent regarding water rights and there is no documentation showing how and where the split applies (just the notice itself showing 0.02 cfs for irrigation). Based on review of the deed and the license file it appears that Partridge may have purchased all the land associated with the license and, perhaps the entire right (the license includes a heating use). We need clarification from the new and/or previous owner showing how and where the split should occur. If Schulz withheld a portion of the right, evidence of the agreement should be submitted. Note also that the license includes 0.03 cfs for irrigation, 0.08 cfs for heating and a total of 0.08 cfs, so documentation should be clear regarding how the right should be split, if at all. A filing fee of \$100 was originally submitted for this notice; however, IDWR erroneously refunded \$75. At this point, I would not be inclined to seek the balance, especially since the split is in question and since we have already accepted the notice for processing. A transfer may also be necessary for one or more parts of this right.

MICROFILMED

JUN 25 2003

RECEIVED

APR 16 2003

MEMORANDUM

Department of Water Resources

TO: Jeff Peppersack
FROM: Ron Howerton
DATE: April 14, 2003
RE: Ownership Change/Transfer (PLEASE EXPEDITE) 65-04002A

The SRBA needed quitclaim deeds from Castle Mountain to Usto Schulz, and then in addition we needed a quitclaim from Usto Schulz to the new owner, William R. Partridge. We finally got both quitclaims, but not until after this right had the decree issued to Castle Mountain. See attached quitclaims.

This has been a long time ownership change from Usto Schulz to William R. Partridge, due to lack of timely documentation needed from the original owner, Usto Schulz.

If you look through some of the attached documentation it will substantiate a portion of its path.

An application for transfer to will eventually be need to be filed by William R. Partridge and Castle Mountain to change the place of use legal (see attached maps). You may feel that an expedited ownership change may not be the best way to process this now after looking at all of this and is understandable. However, an acknowledgement of or an actual ownership change may help prevent a lawsuit between Schulz & Partridge.

If you decide to process an ownership change separate from the transfer, I request you waive that fee because it's no fault of Partridge. Partridge did originally pay fees for the split but was returned to them via Don Shaff because it was still pending in the SRBA. The copy of his letter is attached.

Further clarification in these attachments on this matter are:

Garrick Baxter's letter
My draft prepared maps and split tree.

MICROFILMED

APR 17 2003

SPLIT TREE

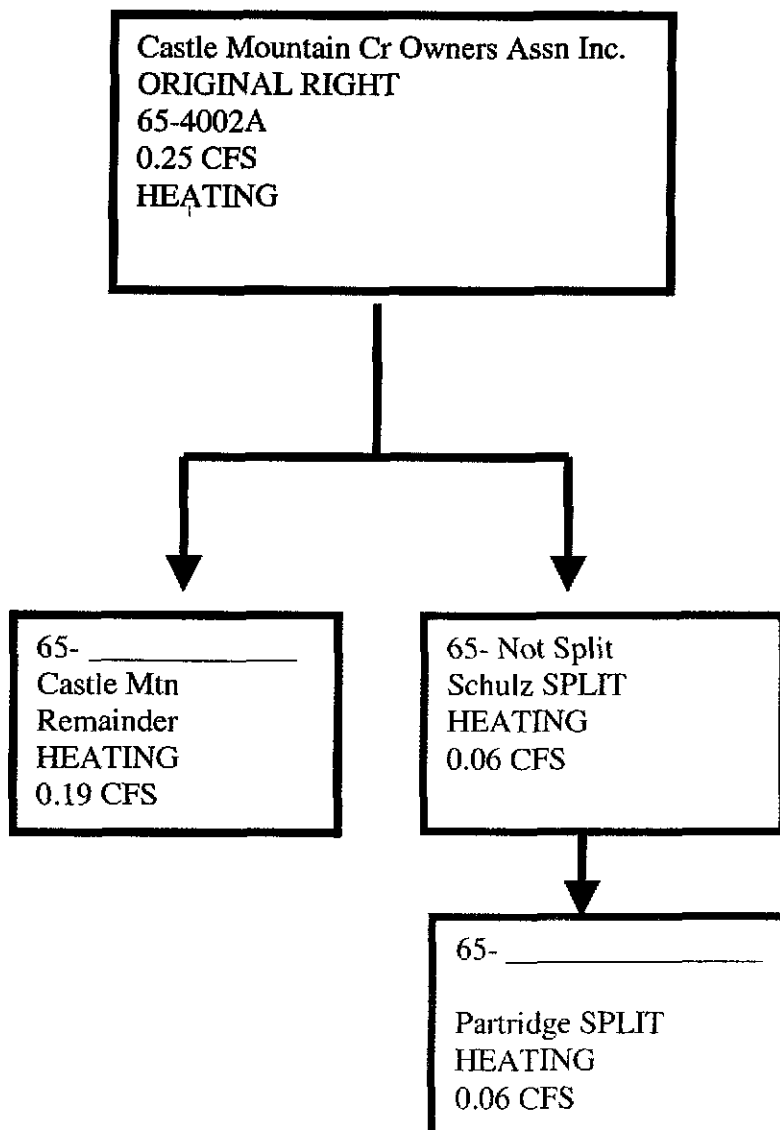
CLAIMS 65-4002A

AGENT: Ron Howerton

Date: 8/5/2002

REMAINDER 65- _____ = 0.19 CFS @ Heating
PARTRIDGE SPLIT 65- _____ = 0.06 CFS @ Heating

TOTALS = Heating @ 0.25 CFS (Split per Water rights agreement between Castle Mountain Creek Owners Association Inc. & Usto Schutz & Diana Schutz.) Then new owners (William R. Partridge & Marlene J. Partridge) bought Usto & Diana Schutz's property.



MICRO REVIEW
JUN 8 5 2002

COPY

MAR 27 2003

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jp.beeman@beemanlaw.com
Dana H. Rose
dana.rose@beemanlaw.com

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

March 26, 2003

RECEIVED

APR 07 2003

WATER RESOURCES
WESTERN REGION

Tony Bohner
6061 Tonkin Drive
P. O. Box 16789
Boise, ID 83715

RE: Transfer Application for Water Right no. 65-4002A

Dear Tony:

This letter reiterates the substance of our phone conversation on March 19, 2003, regarding water right no. 65-4002A. As we discussed, I spoke with Ron Howerton at Idaho Department of Water Resources (IDWR), Western Regional Office, on March 19. Mr. Howerton confirmed that water right 65-4002A has a different place of use (NWSW) from Usto Schultz's (NESW), although both are located in Section 33, Township 10 North, Range 4 East, Boise Meridian.

As Mr. Howerton explained it, Mr. Schulz sold his water right to Mr. and Mrs. Partridge. Mr. and Mrs. Partridge now need to file a transfer reflecting the new place of use. In addition, if the point of diversion is different from that listed on water right 65-4002A, the transfer application should also include a change in the point of diversion.

Garrick Baxter, Deputy Attorney General for IDWR, wrote a letter on October 29, 2002, stating that the change in ownership of water right no. 65-4002A could not be accomplished until the quitclaim deed from Castle Mountain to Mr. Schulz was issued. As the quitclaim deed was issued and recorded on February 2, 2003, IDWR can process the change of ownership from Mr. Schulz to Mr. and Mrs. Partridge.

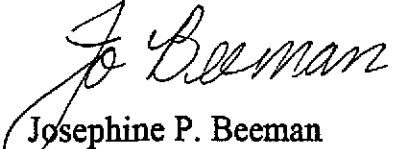
MAR 25 2003

Tony Bohner
March 26, 2003
Page 2.

Please feel free to call me if you have any further questions.

Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

DHR:tw
Z:\1793\5578

MAIL
MAR 26 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 8, 2003

WILLIAM R PARTRIDGE
MARLENE J PARTRIDGE
816 S MIDDLE FORK RD
GARDEN VALLEY ID 83622

RE: Notice of Change of Water Right Ownership No. 65-4002A

Dear Mr. & Mrs. Partridge:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was previously submitted to our office. However, to date, we have still not received sufficient proof of ownership to complete the chain of title, and make the necessary changes. As referred to in the letter dated October 29, 2002 to Dave Shaw and Sherl Chapman, the water agreement submitted is not sufficient proof of ownership because it is not a quitclaim deed for water right 65-4002A.

At this time, we have yet to receive the requested deed(s) between Castle Mountain Creeks Owners Association and Usto Shulz.

We feel we have provided an adequate time frame to receive the necessary information, therefore we are returning the ownership change at this time. Feel free to contact Ron Howerton at this office if you have any further questions.

Sincerely,

Adjudication Section
Western Region
(208) 334-2190

DH: dh

Enclosures

MICROFILMED
JAN 13 2003

CONVERSATION MEMORANDUM

SUBJECT: Ownership change problems

WHOM WITH: Marlene Partridge

WATER RIGHTS: 65-4002A

SENIOR AGENT: RON HOWERTON

DATE: December 12, 2002 11:15 AM

1
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WR
WR

NARRATIVE:

Spoke to Mrs. Partridge (Marlene). She called from our 1301 North Orchard IDWR State office to our Western Region office.

I explained the ownership problem of 65-04002A in short, that the main issue is how the lack of a quitclaim deed from CMC for specifically this water right is what is holding up the ownership change.

She was under the impression that the quitclaim document IDWR received for the ownership change was covered for 65-04002A. I told her that document agreement did not cover 65-04002A. I explained it had quitclaim language in it for claim 65-03238 but not for 65-04002A.

I told her we had contacted ERO whom worked on this issue. ERO was going to contact Jo Beeman's office for additional information. Gave Marlene the phone number of Jo Beeman's office.

I gave Marlene a heads-up about a future transfer that will need to be filed to change the place of use of this water right to their place of use because it is not in the same legal description, if and when the water right ownership issue is cleared up.

MICROFILMED
JAN 15 2007



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED
NOV 01 2002
WATER RESOURCES
WESTERN REGION

October 29, 2002

Dave Shaw
Sherl Chapman
ERO Resources
1106 N. Cole Rd, Suite C
Boise, ID 83704-8661

Re: *Notice of Change of Water Right Ownership Claim No. 65-4002A*

Dear Dave and Sherl:

Our office has reviewed the Notice of Change of Water Right Ownership and the document titled *Water Rights Agreement and Quitclaim Deed* (hereafter referred to as "water agreement") submitted for water right no. 65-4002A. Unfortunately, we are unable to complete the ownership change at this time. The water agreement submitted is not sufficient proof of ownership because it is not a quitclaim deed for water right 65-4002A.

The water agreement states, in relevant part:

2. **After** IDWR issues its final written approval for the Transfer upon conditions which do not substantially change or limit the use of water requested on the face of the Transfer, and upon IDWR's written approval for the Transfer having final effect by the running of all applicable periods for reconsideration, amendment, or appeal, CMC **shall** execute a quitclaim deed (the "CMC Deed") conveying to Schulz 0.06 cubic feet per second ("cfs") of Water Right No. 65-04002A.

Water Rights Agreement and Quitclaim Deed, at page 2 (emphasis added).

NOV 01 2002

Thus, this water agreement is not a quitclaim deed for water right 65-4002A but an agreement for Castle Mountain Creek Owners Association to quitclaim the water right to Usto Schulz once certain future acts have been completed. This reading is further supported by the fact that the agreement does contain specific quitclaim language for water right no. 65-3238, but does not contain similar language for water right no. 65-4002A. See *Water Rights Agreement and Quitclaim Deed*, at page 1 ("Schulz does hereby convey, release, remise, and forever quitclaim to CMC all of their right, title, and interest in and to Water Right No. 65-03238.").

Even if the conditions of the agreement have been met, it would still be necessary for Castle Mountain to issue the quitclaim deed before IDWR can process the change of ownership. I would suggest contacting Castle Mountain Creeks Owners Association and ask them to issue a quitclaim deed to Mr. Schulz for this water right.

If you have any additional information regarding this water right, please submit it to Ron Howerton at IDWR's Western Regional Office within 45 days. Otherwise, we will return the change of ownership forms to Mr. and Mrs. Partridge at that time.

Please also note that if the water is to be used in connection with parcels 29AA and 29BA, a transfer is also required pursuant to I.C. § 42-222 because the new place of use would be located in a different quarter-quarter. Our records indicate that the current place of use is in the NWSW of section 33 and the new place of use would be in the NESW of section 33.

Please feel free to call Ron Howerton or myself if you have any questions. Thank you for your assistance in this matter.

Sincerely,



Garrick L. Baxter
Deputy Attorney General
Idaho Department of Water Resources

cc: Ron Howerton

MICHO
JUL 23 2003

Howerton, Ron

From: David Shaw [dshaw@eroresources.com]
Sent: Thursday, August 15, 2002 4:43 PM
To: Howerton, Ron; schapman@eroresources.com
Cc: Howerton, Ron
Subject: Re: Usto Schultz & William Partridge/Castle Mountain Creeks Owners Ass'n

Ron,

Sherl will be in the office next Wednesday and Thursday. He probably will not get your e-mail until then. I have let him know we need to talk about the Castle Mountain deed and hopefully we can get that done one of those days next week.

Dave

----- Original Message -----

From: "Howerton, Ron" <RHowerto@idwr.state.id.us>
To: <schapman@eroresources.com>
Cc: "DAVE SHAW (E-mail)" <dshaw@eroresources.com>; "Howerton, Ron" <RHowerto@idwr.state.id.us>
Sent: Thursday, August 15, 2002 4:08 PM
Subject: Usto Schultz & William Partridge/Castle Mountain Creeks Owners Ass'n

> Sherl,
>
> This is about the phone call you and I tried to have when the signal was
> lost on your cell phone last week. I called Dave about this. He may have
> already talked to you about it?
>
> I have an ownership change that doesn't appear to have proof that any quit
> claim from Castle Mountain Creeks Owners Ass'n conveying to Schulte 0.06
CFS
> of water right 65-4002A for Usto Schultz ever happened...
>
> Now William Partridge has submitted an ownership change that needs that
deed
> that proof of quit claim.
>
> If you don't have information or anything helpful here, I will sent the
> ownership change back to William Partridge... stating we do not have a
copy
> of the quit claim deed from Castle Mountain Creeks Owners Ass'n. to Usto
> Schultz and no quit claim for 0.06 CFS from Usto Schultz to William
> Partridge. The place of use lands are not in the same 1/4 1/4 either and
a
> transfer would be needed after the ownership change was approved.
>
> Can you help?
>
> I will be out of the office Friday August 16th.
>
> Thank you,
>
> Ron Howerton
> Senior Water Right Agent
> Idaho Dept. of Water Resources
> 2735 Airport Way
> Boise ID 83705
> (208) 334-2190
> rhowerto@idwr.state.id.us

MICHAEL

AUG 15 2002

Howerton, Ron

From: Howerton, Ron
Sent: Thursday, August 15, 2002 4:09 PM
To: 'schapman@eroresources.com'
Cc: DAVE SHAW (E-mail); Howerton, Ron
Subject: Usto Schultz & William Partridge/Castle Mountain Creeks Owners Ass'n

Importance: High

Sheri,

This is about the phone call you and I tried to have when the signal was lost on your cell phone last week. I called Dave about this. He may have already talked to you about it?

I have an ownership change that doesn't appear to have proof that any quit claim from Castle Mountain Creeks Owners Ass'n conveying to Schulte 0.06 CFS of water right 65-4002A for Usto Schultz ever happened...

Now William Partridge has submitted an ownership change that needs that deed that proof of quit claim.

If you don't have information or anything helpful here, I will sent the ownership change back to William Partridge... stating we do not have a copy of the quit claim deed from Castle Mountain Creeks Owners Ass'n. to Usto Schultz and no quit claim for 0.06 CFS from Usto Schultz to William Partridge. The place of use lands are not in the same 1/4 1/4 either and a transfer would be needed after the ownership change was approved.

Can you help?

I will be out of the office Friday August 16th.

Thank you,

Ron Howerton
Senior Water Right Agent
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705
(208) 334-2190
rhowerto@idwr.state.id.us

MICHAEL

AUG 15 2002

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

RECEIVED
JUL 31 2002
WATER RESOURCES
WESTERN REGION

July 30, 2002

Denise Hatfield
Idaho Department of Water Resources
Adjudication Section
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Dear Denise:

Enclosed you will find a copy of the materials you sent to William R. Partridge relating to the Notice of Change of Water Right Ownership for water right no. 65-4002A. Apparently the Department of Water Resources did not complete the name change for a portion of the water right ownership for this water right in January 2000 pursuant to the letter sent to Gary Spackman. I have enclosed the documentation and water rights agreement as well as the quit claim deed for the portion of the water right that was to be conveyed to Mr. Schulz. Please correct the records and complete the water right change of ownership from Schulz to Partridge pursuant to their request. If you need additional information or have questions please don't hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Sheri L. Chapman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sheri L. Chapman

SLC:sw

Encl.

cc: Usto Schulz (w/ encl.)

MICRO
11/11/02



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 5, 2002

RECEIVED

PIONEER TITLE COMPANY OF ADA COUNTY
821 W STATE ST
BOISE ID 83702

AUG 07 2002

WATER RESOURCES
WESTERN REGION

RE: Snake River Basin Adjudication (SRBA)
Notice of Change of Water Right Ownership Fees
Notices of Claim #65-4002A and 65-12719
Re: Usto Schultz / Castle Mountain Creeks Owners Ass'n.

Water right claim #65-4002A is still pending in the SRBA; therefore, no fees are due (we are refunding \$50.00 for this claim number).

The fee to change the ownership on #65-12719 is only \$25.00 (we are refunding \$25.00 for this claim number). The refund process has been initiated with the State Auditor's Office for the fees you paid on receipt #C062906. You should receive a check in the near future.

For future reference, you can determine if a water right claim has been decreed by checking the SRBA Court's site at www.srba.state.id.us. Scroll to IWATRS Reports, then scroll down to Display a Subcase Summary Sheet, enter the adjudication claim number (xx-xxxxx). This will tell you if and when a partial decree was issued. If it HAS been decreed, there is a \$25.00 ownership change fee due with each water right. If it has NOT been reported or decreed yet, and is therefore still pending in the SRBA, there is no fee due.

Sincerely,

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:ss:ref

MICRO
JUL 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

● File Copy

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 1, 2002

WILLIAM R PARTRIDGE
MARLENE J PARTRIDGE
816 S MIDDLE FORK RD
GARDEN VALLEY ID 83622

RE: Notice of Change of Water Right Ownership Claim No. 65-4002A

Dear Property Owner(s):

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (copy enclosed), however, we are unable to complete this ownership change at this time. The information submitted indicates a property transfer between Usto Schulz and yourself. The above referenced water right, however, is in the name of Castle Mountain Creeks Owners Association.

We are unable to change the ownership of this water right without additional documentation. If you have additional information regarding this property transfer, such as a Warranty Deed, please submit it to this office. The only documentation received with the ownership change form was the legal description of the property.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning this letter, please contact Ron Howerton at this office.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosures

6/11/02
10:00 AM