

RECEIVED

NOV 18 2002

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

Department of Water Resources

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

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~65-2937B~~					
~~65-3117B~~					
65-17854					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$ 25
- 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) Cutler Umbach and Nancy E. Umbach
P.O. Box 2329, McCall, ID 83638
4. New Owner/Claimant(s) William A. Nikkel and Cristina S. Nikkel
 Name Connector (Check one) ☐ and, ☐ or, ☐ and/or
- New Mailing Address 292 Potter Lane
- City, State and ZIP Code McCall, ID 83638
- New Telephone Number (208) 634-1504
5. Date you acquired the property July 1, 2002

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

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

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

Will Miller
Christina Miller

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 _____ Date _____ Fee \$ 25
 Received by _____ Date _____ Receipt No. WD29866
 Processed by _____ AJ Date _____ WR _____ Date 11/14/2002

01
CN

WARRANTY DEED

FOR VALUE RECEIVED, CUTLER UMBACH and NANCY E. UMBACH, husband and wife, Grantors, do hereby grant, bargain, sell, and convey unto WILLIAM A. NIKKEL and CRISTINA S. NIKKEL, husband and wife as joint tenants with right of survivorship, Grantees, whose address is 292 Potter Lane, McCall, Idaho 83638, that certain real property situated in Valley County, Idaho, commonly known as 292 Potter Lane, McCall, Idaho 83638, and legally described at **Exhibit "A"** attached hereto and incorporated herein by reference.

And also subject to easements, liens or encumbrances of record, in use, or visible on the property.

To have and to hold the said premises, together with improvements and appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant to and with said Grantees, that they are the owners in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of July, 2002.

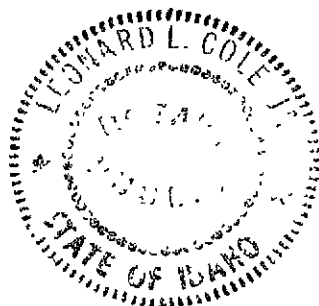

CUTLER UMBACH

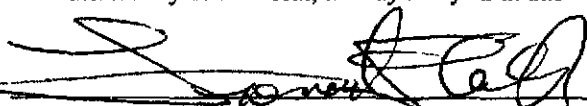

NANCY E. UMBACH

STATE OF IDAHO,)
) ss.
County of Valley.)

On this 1 day of July, 2002, before me, Leonard L. Cole Jr., a Notary Public in and for said State, personally appeared CUTLER UMBACH and NANCY E. UMBACH, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged 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 IDAHO
Residing at: ASCAPO
My Commission Expires: 01-14-05

THOMAS W. KERR
PLS 998

KERR SURVEYING
PO BOX 853 404 E. PARK
McCALL, IDAHO 83638
208-634-2686 / fax 208-634-4042
May 14, 2002

ROD M. SKIFTUN
PLS 9585

I

HIGH LLAMA RANCH, CUTLER UMBACH
Section 31, T 18 N, R 4 E, B.M.
79 634 Acres

A parcel consisting of Government Lots 3 and 4 of Section 31, T. 18 N., R. 4 E., B.M., more particularly described as follows:

Commencing at a brass cap marking the section corner common to the Southeast corner of Section 36, T. 18 N., R. 3 E., B.M., and the Southwest corner of Section 31, T. 18 N., R. 4 E., B.M., the REAL POINT OF BEGINNING;

Thence, N 0° 07' 49" E, 35 00 feet along the-line common to said Sections 31 and 36 to a 1/2" rebar marking the northerly right-of-way of Potter Lane as shown on that particular Record of Survey on file as Inst No. 152177 in Book 2, Page 101 of Records of Survey, recorded in the Office of the Recorder, Valley County, Idaho,

thence, continuing N 0° 07' 49" E, 570 32 feet along said common line to a 1/2" rebar as shown on said Record of Survey,

thence, continuing N 0° 07' 49" E., 2040 46 feet along said common line to a brass cap marking the 1/4 corner common to said Sections 36 and 31, as shown on that particular Record of Survey on file as Inst No. 248120 in Book 6, Page 712 of Records of Survey, recorded in the Office of the Recorder, Valley County, Idaho,

thence, S 89° 37' 10" E, 463.70 feet along the northerly boundary of Government Lot 3 of said Section 31, to a 1/2" rebar on the westerly bank of Louie Creek,

thence, continuing S. 89° 37' 10" E., 19 11 feet along said northerly boundary to the point of intersection of the thread of Louie Creek,

thence, continuing S 89° 37' 10" E., 824.57 feet along said northerly boundary to an aluminum cap marking the CW 1/16 of said Section 31,

thence, S 0° 03' 02" E., 2643 94 feet along the easterly boundary of Government Lots 3 and 4 of said Section 31 to an aluminum cap marking the W 1/16 of said Section 31,

thence, N. 89° 42' 07" W., 1315 73 feet along the line common to said Section 31, T. 18 N, R 4 E., B M , and Section 6, T 18 N, R 4 E, B.M , to the Point of Beginning, containing 79 634 acres, more or less

Subject to: All covenants, rights, rights-of-way, and easements of record or use

Bearings based on Record of Survey, Inst No. 248120

MINING & CIVIL ENGINEERING & SURVEYING

TEL 634-2686
P.O. BOX 853
McCALL, IDAHO 83638

BILL HARRIS, E.M.
Res. Tel. 634-2551

October 21, 1986

THOMAS W. KERR, R.L.S.
Res. Tel. 634-2779

CUTLER UMBACH - REMAINDER

18N 3E 36
NESE
SE SE

A parcel of land situate in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, a brass cap, thence, N. 0° 07' 49" E., 35.00 feet along the east line of said Section 36, to the northerly right-of-way line of Potter Lane, thence, N. 89° 49' 34" W., 974.12 feet along said northerly right-of-way to the centerline of a 35.00 foot wide access and utility easement, The REAL POINT OF BEGINNING:

Thence, N. 2° 30' 00" E., 6.66 feet along said centerline,
thence, 59.04 feet along a curve to the right whose radius is 55.00 feet
and delta angle is 61° 30' 00", along said centerline,
thence, N. 64° 00' 00" E., 238.18 feet along said centerline,
thence, 132.23 feet along a curve to the left whose radius is 120.00
feet and delta angle is 63° 08' 00" along said centerline,
thence, N. 0° 52' 00" E., 303.26 feet along said centerline,
thence, East, 658.25 feet to the east line of said Section 36,
thence, N. 0° 07' 49" E., 2040.46 feet to the east $\frac{1}{4}$ corner of said
Section 36,
thence, N. 89° 51' 33" W., 1322.98 feet to the CE 1/16 corner of said
Section 36,
thence, S. 0° 11' 50" W., 2610.02 feet along the west line of the E $\frac{1}{2}$
of the SE $\frac{1}{4}$ of said Section 36 to the northerly right-of-way of
Potter Lane,
thence, S. 89° 49' 34" E., 351.91 feet to the Point of Beginning,
containing 69.891 acres, more or less.

Bearings based on State Plane Grid Azimuth.

MINING & CIVIL ENGINEERING & SURVEYING

TEL. 634-2686
P.O. BOX 853
McCALL, IDAHO 83638

WILL HARRIS, E.M.
Res. Tel. 634-2551

October 21, 1986

THOMAS W. KERR, R.L.S.
Res. Tel. 634-2779

CUTLER UMBACH

18N 3E 36
SESE

A parcel of land situate in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, a brass cap, thence, N. 0° 07' 49" E., 35.00 feet along the east line of said Section 36, to the northerly right-of-way line of Potter Lane, The REAL POINT OF BEGINNING:

Thence, N. 89° 49' 34" W., 974.12 feet along said northerly right-of-way to the centerline of a 35.00 foot wide access and utility easement, thence, N. 2° 30' 00" E., 6.66 feet along said centerline, thence, 59.04 feet along a curve to the right whose radius is 55.00 feet and delta angle is 61° 30' 00", along said centerline, thence, N. 64° 00' 00" E., 238.18 feet along said centerline, thence, 132.23 feet along a curve to the left whose radius is 120.00 feet, and delta angle is 63° 08' 00" along said centerline, thence, N. 0° 52' 00" E., 303.26 feet along said centerline, thence, East, 658.25 feet to the east line of said Section 36, thence, S. 0° 07' 49" W., 570.32 feet to the Point of Beginning, containing 9.483 acres, more or less.

Bearings based on State Plane Grid Azimuth.

MINING & CIVIL ENGINEERING & SURVEYING

TEL. 634-2686

P.O. BOX 853

McCALL, IDAHO 83638

BILL HARRIS, E.M.
Res. Tel. 634-2551

October 21, 1986

THOMAS W. KERR, R.L.S.
Res. Tel. 634-2779

CUTLER UMBACH - POTTER LANE RIGHT-OF-WAY

A parcel of land being the south 35.00 feet of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, for a public right-of-way, more particularly described as follows:

Commencing at the southeast corner of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, a brass cap The REAL POINT OF BEGINNING:

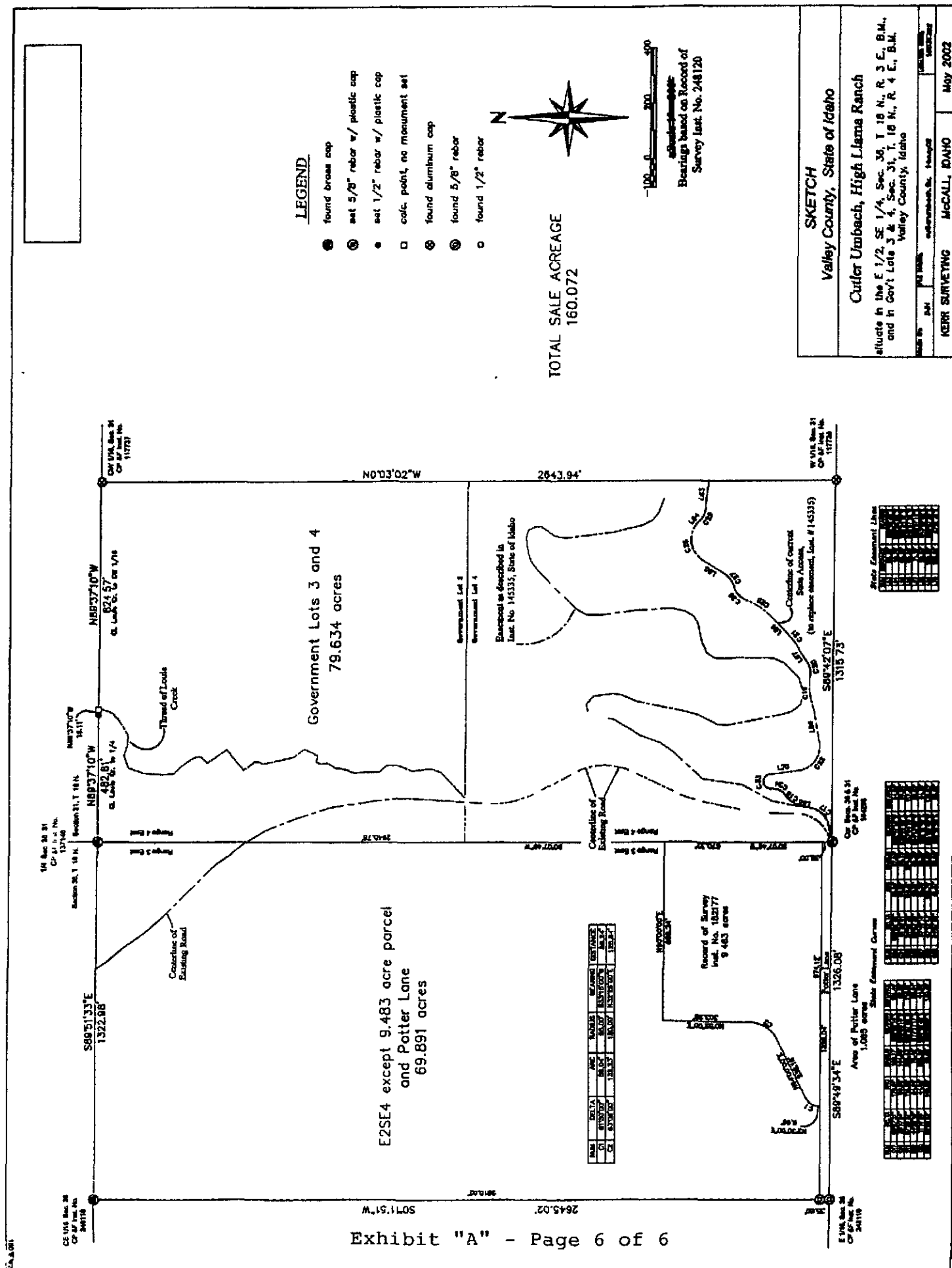
Thence, N. 89° 49' 34" W., 1326.08 feet to the E 1/16 corner on the south boundary of said Section 36, a 5/8" rebar,

thence, N. 0° 11' 50" E., 35.00 feet to the northerly right-of-way line of Potter Lane,

thence, S. 89° 49' 34" E., 1326.03 feet along said northerly right-of-way to the east boundary of said Section 36,

thence, S. 0° 07' 49" W., 35.00 feet to The Point of Beginning, containing 1.066 acres, more or less.

Bearings based on State Plane Grid Azimuth.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-17854

NAME AND ADDRESS: CUTLER UMBACH
NANCY UMBACH
PO BOX 172
MCCALL, ID 83638

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/01/1984

POINT OF DIVERSION: T18N R03E S36 SESE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Stockwater		Within Valley County
	T18N R03E S36	SESE	
	Domestic		Within Valley County
	T18N R03E S36	SESE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 17, 2004

WILLIAM A NIKKEL
CRISTINA S NIKKEL
292 POTTER LN
MC CALL ID 83638

RE: Change of Ownership for Water Right 65-17854

Dear Water Right Holders:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

For

Jeff Peppersack, Manager
Water Right Permits Section

JP:eja

Enclosures

MEMORANDUM

DATE: November 17, 2004
FROM: JUSTIN ALDRIDGE
TO: FILE 65-17854, 65-2937B, and 65-3117B
RE: Telephone conversation

=====

Mr. Nikkel called concerning the deficiency letter I sent him on November 4. He said that 65-3117B was not one of the water rights attached to the property he purchased, and at the time he filed the notice he thought it was. As a result, that water right should be taken off of the list of water rights to change. In addition, while talking with him about 65-2937B I discovered that it had already been changed into his name in AJ and I had not noticed it before. So 2937B will not be processed either. The only water right being processed that is listed on his notice is 65-17854.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

November 4, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILLIAM A NIKKEL
CRISTINA S NIKKEL
292 POTTER LN
MCCALL ID 83638

RE: Change in Ownership for Water Right 65-2937B, 65-3117B, and 65-17854

Dear Mr. & Mrs. Nikkel:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ **Evidence of Water Right Ownership:** copy of **Warranty Deed, Title Policy, Contract of Sale**, or other legal document indicating your ownership of the property and/or water rights in question

☒ **Legal Description of Property**

During our review of the documentation you submitted we found that two of the water rights referenced above can be processed. However, water right 65-3117B cannot be processed with the documentation that you have submitted. For us to process this water right, additional documentation needs to be provided showing that you own the land that is associated with the water right. **The place of use for 65-3117B is not covered in the legal description of the property conveyed to you in the Warranty Deed.** We will process all three water rights as soon as proper documentation is received for 65-3117B. I have enclosed a copy of the water right for your reference.

Because the Department cannot process the ownership change without proper documentation we will hold any action on your notice pending its receipt. If we do not receive the necessary information within **30 days** we will return your notice and all attachments and your notice will not be processed

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call Kari Lynn Townsend at 208-287-4952.

Sincerely,

E. Justin Aldridge
Technical Review

Enclosure