

Form 42-742(42-140)(6) July, 2000

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

OCT 25 2001

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OCT 19 2001
 IDWR/North

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
84-10426	29576	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—

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)

Paul Kang (415 Adam Rd) Orofino, Ida
New Address (1027 Skyline Heights Dr) 83544

4. New Owner/Claimant(s)

David L. and Jeanette Sue Brown (H&W)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 484

City, State and ZIP Code

Orofino, Idaho 83544

New Telephone Number

(208-476-3666 H&W) (208-476-3165 Office)

5. Date you acquired the property

12-30-98

Mh Don Schaff From your Agency said
 There would be no filing fee on this.
 This is for a update to your files

If there is a
 fee please let me
 know!

Thank you

David Brown

Form 42-14042-14042 July, 2000

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)

David L. Brown
David L. Brown
Jeanette Sue Brown

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 db Date 10/19/01 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____

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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 84-10426

NAME AND ADDRESS:

CHERYL L LANG
PAUL A LANG
415 ADAMS RD
OROFINO, ID 83544

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~~HERON F BACUS
2156 OROFINO CREEK RD
OROFINO, ID 83544~~

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

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

PRIORITY DATE:

12/31/1967

POINT OF DIVERSION:

T36N R02E S09

NWNE

Within Clearwater County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Domestic 1 HOME
Stockwater

PERIOD OF USE
01-01 TO 12-31
01-01 TO 12-31

QUANTITY
0.02 CFS
0.02 CFS

PLACE OF USE:

Stockwater
T36N R02E S09

NWNE

Within Clearwater County

Domestic
T36N R02E S09

NWNE

Within Clearwater County

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.

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. I.C. SECTION 42-1412(6).

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.

Roger Purdick
Roger Purdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED



date 2-17-98 Time 1600 **CONFORMED COPY**
NOTICE OF DEFAULT REC. DATE 2/12/98
 INSTRUMENT # 177222

SERVE
AND
LEAVE

WESTERN UNITED LIFE ASSURANCE COMPANY, holder of the beneficial interest under the Deed of or transfer in trust executed by CHERYL L LANG, an unmarried person, as Grantor to FIRST AMERICAN TITLE COMPANY OF IDAHO, INC., an Idaho corporation, as successor Trustee and Metwest Mortgage Services, Inc., as beneficiary, dated February 12, 1997, recorded February 25, 1997, as Instrument No. 174350, and assigned to WESTERN UNITED LIFE ASSURANCE COMPANY, as beneficiary, by assignment recorded December 8, 1997, as Instrument No. 176720, Mortgage Records of Clearwater County, Idaho.

The beneficiary hereby gives notice that a breach of obligation for which such transfer is security has occurred, the nature of such breach being the failure to pay when due, under Deed of Trust Note dated February 12, 1997 the monthly payments for Principal, Interest and Impounds of \$1,411.99, due per month for the months of July through December, 1997 and all subsequent payments until the date of sale or reinstatement, with a monthly late charge accruing at \$64.85, uncollected late charges are due in the amount of \$453.95, with interest accruing at 11% per annum, and continuing to accrue from June 1, 1997. Also due are escrow advances in the amount of \$620.00, beneficial advances of \$947.71. The principal balance owing as of this date on the obligation secured by said Deed of Trust is \$136,052.98, plus accruing interest, costs and advances. All delinquent amounts are now due, together with accruing late charges and interest, unpaid and accruing taxes, assessments, trustee's fees, attorney's fees, and any amounts advanced to protect the security associated with this foreclosure.

On the following described real property:

SEE ATTACHED EXHIBIT A

The beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

DATED: January 28, 1998

WESTERN UNITED LIFE ASSURANCE COMPANY

BY:

ITS: ANTHONY A. STEFFENS, Vice President

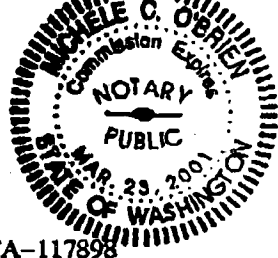
STATE OF WASHINGTON

ss.

COUNTY OF SPOKANE

On this 28th day of January, 19 98, before me, a Notary Public in and for said State, personally appeared ANTHONY A. STEFFENS known to me to be the Vice President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



FA-117898

Michele C. O'Brien
 Notary Public
 Residing at Spokane, Washington
 Commission expires: 3/23/01



First American Title Company of Idaho



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NOTICE OF TRUSTEE'S SALE

On the 23RD day of JUNE, 1998, at the hour of 10:00 A.M., of said day, (recognized local time), in the Office of Clearwater County Title Company, 125 Johnson Avenue Ste 3, Orofino, in the County of Clearwater, State of Idaho, First American Title Company of Idaho, Inc., an Idaho Corporation, as successor trustee, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the County of Clearwater, State of Idaho, and described as follows, to-wit:

SEE ATTACHED EXHIBIT A

The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Section 60-113 Idaho Code, the Trustee has been informed that the address of 415 Adams Road, Orofino, Idaho, is sometimes associated with said real property.

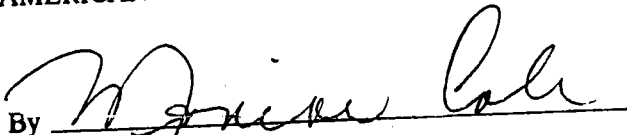
Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the deed of trust executed by CHERYL L LANG, an unmarried person, as grantor, to FIRST AMERICAN TITLE COMPANY OF IDAHO, INC., an Idaho Corporation, as successor trustee, for the benefit and security of Metwest Mortgage Services, Inc., as beneficiary, dated February 12, 1997, recorded February 25, 1997, as Instrument No. 174350, and assigned to WESTERN UNITED LIFE ASSURANCE COMPANY, as beneficiary, by assignment recorded December 8, 1997, as Instrument No. 176720, Mortgage Records of Clearwater County, Idaho.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506 (4)(A), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is to be made is the failure to pay when due, under Deed of Trust Note dated February 12, 1997 the monthly payments for Principal, Interest and Impounds of \$1,411.99, due per month for the months of July through December, 1997 and all subsequent payments until the date of sale or reinstatement, with a monthly late charge accruing at \$64.85, uncollected late charges are due in the amount of \$453.95, with interest accruing at 11% per annum, and continuing to accrue from June 1, 1997. Also due are escrow advances in the amount of \$620.00, beneficial advances of \$947.71. The principal balance owing as of this date on the obligation secured by said Deed of Trust is \$136,052.98, plus accruing interest, costs and advances. All delinquent amounts are now due, together with accruing late charges and interest, unpaid and accruing taxes, assessments, trustee's fees, attorney's fees, and any amounts advanced to protect the security associated with this foreclosure and that the beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

Date: February 12, 1998

FIRST AMERICAN TITLE COMPANY OF IDAHO, INC.

By 
Morine Cole Trust Officer

FA-117898

3

First American Title Company of Idaho

EXHIBIT A

ATTACHED TO NOTICE OF DEFAULT

A portion of the NW1/4NE1/4 and of the NE1/4NW1/4 of Section 9, Township 36 North, Range 2 E.B.M., described as:

Beginning at the 1/4 corner common to Sections 1 and 9, Township 36 North, Range 2 E.B.M., which is the true point of beginning; thence due East 560 feet to the existing City Limits of Orofino; thence due South along said City Limits to the center line of the Northern Pacific Railroad; thence Northwesterly along the center line of said Northern Pacific Railroad to a point which is the Northwesterly corner of a parcel of property conveyed in a Warranty Deed recorded in Book 60 of Deeds, page 123 on November 30, 1966, records of Clearwater County, Idaho; thence N 78°57' W 290 feet along center line of Northern Pacific Railroad; thence North 50 feet to Right of Way line of Northern Pacific Railroad and a point on the N-S 1/4 line; thence N 192 feet along said N-S 1/4 line; thence due West 270 feet; thence N 13°44' E 379.5 feet; thence due East 180 feet to the True Point of Beginning.

2

M. J. Allen
TRUST OFFICER

FA-117898

FA-117898

3

First American Title Company of Idaho

180097

WARRANTY DEED

 TI
 RECEPTION (4)
 INDEXED (4)
 FILMED (4)
 DELIVERED (4)
 MAILED (1)

WESTERN UNITED LIFE ASSURANCE COMPANY, hereinafter called the Grantors, in and for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, CONVEY, and WARRANT to DAVID L. BRAUN and JEANETTE BRAUN, husband and wife, of 250 Braun Road, Orofino, Idaho, hereinafter called the Grantees, the following described real property described as follows:

SITUATE IN THE COUNTY OF CLEARWATER, STATE OF IDAHO, to-wit:

A portion of the NW1/4 NE1/4 and of the NE1/4 NW1/4 of Section 9, Township 36 North, Range 2 E.B.M., described as:

Beginning at the 1/4 corner common to Sections 4 and 9, Township 36 North, Range 2 E.B.M., which is the true point of beginning; thence due East 660 feet to the existing City Limits of Orofino; thence due South along said City Limits to the center line of the Northern Pacific Railroad; thence Northwesterly along the center line of said Northern Pacific Railroad to a point which is the Northwesterly corner of a parcel of property conveyed in a Warranty Deed recorded in Book 60 of Deeds, page 123 on November 30, 1966, records of Clearwater County, Idaho; thence N 78° 57' W 290 feet along center line of Northern Pacific Railroad; thence North 50 feet to Right of Way line of Northern Pacific Railroad and a point on the N-S 1/4 line; thence N 192 feet along said N-S 1/4 line; thence due West 270 feet; thence N 13° 44' E 379.5 feet; thence due East 180 feet to the True Point of Beginning.

ALSO SUBJECT TO:

A perpetual right of way for road, railroads, and other structures and public telephone and telegraph lines, together with conditions therein contained as disclosed in the Deed recorded on the records of Clearwater County, State of Idaho, on October 22, 1937, in Book 21 of Deeds, page 639.

Terms and Conditions as set forth in the document recorded on the records of Clearwater County, State of Idaho, on February 25, 1987, Instrument No. 146501.

Grantors hereby further acknowledge that a Grant of Easement, recorded as Instrument No. 175897 by the Clearwater County Auditor-Recorder on September 5, 1997, materially affects the value of said property, may restrict or interfere with grantees' intended use of the property, and renders title unmarketable. Grantors further acknowledge that the foreclosure action, initiated by Western United Life Assurance Company by Notice of Default issued January 28, 1998, may not have foreclosed on said recorded easements. Grantors agree that, in the event any quiet title action is filed, or any other action or suit is taken or filed to either enforce, or to remove, or to foreclose against the easements granted pursuant to the aforementioned Instrument No. 175897, regardless of by whom, Grantors will be entirely responsible for damages arising from said easements, and will also fully indemnify Grantees, for all fees, costs, and disbursements required to prosecute and defend said suits or actions.

TO HAVE AND TO HOLD the said premises with their appurtenances, unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantors do hereby covenant to and with the Grantee, that the described real property is free from all encumbrances, except as above described, and that Grantors will warranty and forever defend the title thereto against all lawful claims and demands whatsoever.

DATED this 29 day of ^{December} ~~November~~, 1998.

WESTERN UNITED LIFE ASSURANCE COMPANY

By: Scott Cordell
 Scott Cordell
 Vice President

By: Reuel Swanson
 Name: Reuel Swanson
 Title: Secretary

WARRANTY DEED...

CLEARWATER LAND TITLE

Filed and recorded at the request of Robin Christensen By: Cindy Downing
 at 1:55 o'clock A. M., this 31 day of December, 1998
 Ex-Officio Auditor-Recorder
 Clearwater County, Idaho
 Fee: 6.00

Return: CLEARWATER LAND TITLE

CHENOWETH, TYLER & SNYDER
 131 Michigan Avenue
 PO Box 2040
 Orofino, Idaho 83544
 Telephone: (208) 476-5545
 Facsimile: (208) 476-5547

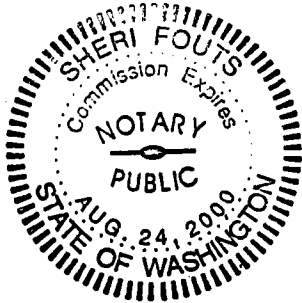
STATE OF Washington)
) ss.
County of Spokane)

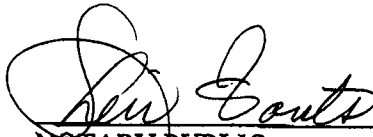
December
On this 29 day of ~~November~~, 1998, before me, the undersigned Notary Public, personally appeared

Scott Cordell, known or identified to me to be the Vice President of the corporation
Reuel Swanson Secretary
that executed the within instrument and acknowledged to me that he executed the same on behalf of said corporation.

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

(NOTARY SEAL)





NOTARY PUBLIC
Residing at: Liberty Lake
Commission expires: 8-24-2000

WARRANTY DEED...

CHENOWETH, TYLER & SNYDER
131 Michigan Avenue
PO Box 2040
Orofino, Idaho 83544
Telephone: (208) 476-5545
Facsimile: (208) 476-5547