

February 15, 1999

Mr. Bob Haynes  
Department of Water Resources  
1910 Northwest Blvd. Suite #210  
Coeur d'Alene, Idaho 83816

**RECEIVED**

**FEB 17 1999**

**RECEIVED IDWR/North**

RE: Water Right No. 98-7266

**MAR 15 1999**

Department of Water Resources

Dear Bob,

I talked with you last week by phone concerning updating the address associated with Water Right No. 98-7266. This water right was first secured by the Newby's in February, 1990. (see enclosed) My wife (Joyce Holm) purchased the property shortly thereafter and wrote your department concerning the change in landowners. She received a reply back in March, 1990, stating that her letter would be put in the appropriate file for any future correspondence. Since we were married, we have not notified your department of the current changes. Enclosed is the warranty deed when the land was sold by the Newbys to my wife, Joyce Holm. Also enclosed is a quit claim deed transferring the property from Joyce Holm to Joyce and Kennon McClintock.

Our current address is Kennon & Jody McClintock  
HCR 62, Box 52  
Moyie Springs, Idaho 83845

208-267-7064

Will you please update your records. If you need any further information, please contact me.

Also, will you please send me a request for "Extension of time to Avoid Forfeiture"

Thank you for your assistance.

Sincerely,

*Kennon McClintock*

Kennon McClintock

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**  
WATER RIGHT NO. 98-07266

Priority: June 28, 1978

Maximum Diversion Rate:  
Maximum Diversion Volume:<sup>1</sup>

0.04 CFS  
0.6 AF

This is to certify, that HAROLD NEWBY  
ALIDA NEWBY

P.O. BOX 577

MOYIE SPRINGS, ID 83845

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated June 28, 1978; and  
has submitted Proof of Beneficial Use on November 23, 1981. An examination indicates  
that the works have a diversion capacity of .040 cfs of water from:

CURLEY CREEK

tributary to MOYIE RIVER

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 | 0.6 AF               |

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 10, Township 61N, Range 03E  
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

61N 03E 10 NESW

CONDITIONS/REMARKS:

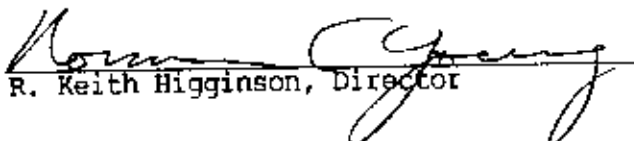
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**  
WATER RIGHT NO. 98-07266

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 6<sup>TH</sup>  
day of FEBRUARY, 1990.

WATER

  
R. Keith Higginson, Director

0160787 1620

0160787

WARRANTY DEED

IN CONSIDERATION of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by grantor, **HAROLD H. NEWBY and ALIDA C. NEWBY**, husband and wife, grantor does hereby grant, bargain, sell and convey unto **JOYCE E. HOLM**, a single person, grantee, the following described property:

**TRACT I:**

Parcel Fourteen (14) of Kootenai River Properties more particularly described as follows:

Beginning at the Southeast corner of Section Fifteen (15), Township Sixty-one (61) North, Range Three (3), East, B.M., thence North along the section line 733.00 feet more or less to the Southwesterly right of way of U.S. Highway #2; as it existed January 1, 1990, thence along said southwesterly right of way line 6589.9 feet to the Southeast corner of Parcel Fourteen (14), which shall be a point of beginning; thence continuing along said right of way line 512.4 feet to a point which point is the Northeast corner of Parcel Fourteen (14); thence South 62 degrees 30' West 1830.6 feet to a point along the northerly bank of the Kootenai River; thence in a Southeasterly direction along the said north bank of the Kootenai River 442.0 feet to the Southwest corner of Parcel Fourteen (14); thence North 62 degrees 30' East 2020.0 feet to the point of beginning.

**ALONG WITH** an easement over existing roads in the area platted as Kootenai River Properties as necessary for access to Parcel Fourteen (14).

**LESS** reservation for a right of way across Parcel Fourteen (14) on roads now existing for the purpose of providing access to owners of other parcels in Kootenai River Properties.

**SUBJECT TO** beneficiary's interest of Dorothy A. Black, a married person, as shown by the Deed of Trust recorded November 28, 1988, in Book 68 of Instruments at page 470, records of Boundary County, Idaho;

**INSTRUMENT NO.:**

RECEPTION . . . . . (✓)  
INDEX . . . . . (✓)  
FILMED . . . . . ( )  
DELIVERED . . . . . ( )  
MAILED . . . . . ( )

STATE OF IDAHO, COUNTY OF Boundary

I hereby certify this instrument, consisting of \_\_\_\_\_ pages

was filed for record at the request of \_\_\_\_\_

at Peter B. Wilson

at 23 minutes past 4:00 o'clock P.m., the

17<sup>th</sup> day of March, 1990, in my office

and duly recorded in book 74 of Instr. at page 379

Fee \$ 9<sup>00</sup> chgs.

Ex-officio Recorder

Mailed to: Wilson By C. Thornton  
Deputy.

**ADDRESS OF PURCHASER:**

N. 6755 Ramapo Rd  
Cooper d. Albion,  
Idaho 83814

**TRACT II:**

A tract of land in Parcel Fifteen (15) of Kootenai River Properties more particularly described as follows:

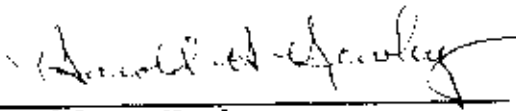
Beginning at the Southeast corner of Parcel Fifteen (15), thence along the South line of said Parcel Fifteen (15) South 62 degrees 30' West 305 feet to a point; thence Northwesterly at a right angle to the South line 40 feet to a point; thence South 62 degrees 30' West 80 feet to a point; thence at right angles to said South line of Parcel Fifteen (15) 40 feet to said South line; thence North 62 degrees 30' East 80 feet to **point of beginning**, all in Section Ten (10), Township Sixty-one (61) North, Range Three (3) East, B.M., Boundary County, Idaho.

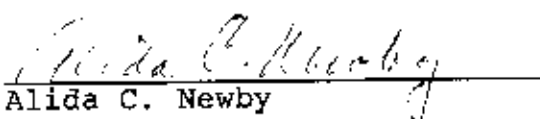
**SUBJECT TO** seller's interest of Dorothy A. Black, a divorced woman, as shown by the Notice of Contract recorded November 28, 1988, in Book 68 of Instruments at page 471, records of Boundary County, Idaho.

**AND SUBJECT** to such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the grantee, its heirs and assigns forever. And the grantor does hereby covenant to and with the said grantee that it is the owner in fee simple of said premises and that they are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 7th day of March, 1990.

  
\_\_\_\_\_  
Harold H. Newby

  
\_\_\_\_\_  
Alida C. Newby

-----  
STATE OF IDAHO                    )  
                                      ) ss.  
County of Boundary            )

On this 7<sup>th</sup> day of March, 1990, before me, the undersigned Notary Public, personally appeared **HAROLD H. NEWBY** and **ALIDA C. NEWBY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Roberta Bowers  
Notary Public for Idaho  
Residing at Bonners Ferry  
Com. Expires: 7-5-91



(Optional)

|                                      |                                    |                                      |                                       |
|--------------------------------------|------------------------------------|--------------------------------------|---------------------------------------|
| Recorded <input type="checkbox"/>    | Platted <input type="checkbox"/>   | Key Punched <input type="checkbox"/> | To Treasurer <input type="checkbox"/> |
| Microfilmed <input type="checkbox"/> | Deed Card <input type="checkbox"/> | Master File <input type="checkbox"/> |                                       |
| Indexed <input type="checkbox"/>     | Compared <input type="checkbox"/>  | Abstracted <input type="checkbox"/>  |                                       |

## QUITCLAIM DEED

THIS INDENTURE, Made this 15 th day of September  
in the year of our Lord one thousand nine hundred and ninety-two between  
Joyce (Jody) E. Holm, an unmarried woman AKA Joyce (Jody) E. McClintock, a married woman  
of Moyie Springs County of Boundary  
State of Idaho, the party of the first part, and Joyce (Jody) E. McClintock and  
of Moyie Springs County of Boundary Kennon D. McClintock (wife & husband)  
State of Idaho, the parties of the second part.

WITNESSETH That the said party of the first part, for and in consideration of the sum of  
one dollar and other valuable considerations ~~DOLLARS~~  
lawful money of the United States of America, to her in hand paid by the said parties of  
the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release  
and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and  
assigns all interest in the certain lot, piece or parcel of land, situate, lying and being in  
, County of Boundary, State of Idaho, bounded and particularly  
described as follows, to-wit:

All of Parcel 14 and a small tract within Parcel 15 of the Kootenai  
River Properties lying within the SW¼ of Section 10, T61N, R3E, B.M.

Location of above described property on Hwy #2 approx ½ mile west of the MT/ID state line  
House No. Street

MAIL DEED TO:

MAIL TAX NOTICE TO:

|       |                    |
|-------|--------------------|
| _____ | Name _____         |
| _____ | Address _____      |
| _____ | City & State _____ |

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set forth in hand and seal on the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Joyce E. McClintock / Sept. 15, 1992

[Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO  
County of Boundary

ss.

On this 15th day of September

in the year 1992, before me

Glenda M. Poston

a Notary Public

in and for said State, personally appeared Joyce E. Holm McClintock

known to me to be the person whose name  
acknowledged to me that he executed the same.

subscribed to the within instrument, and

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

Glenda M. Poston  
Notary Public for the State of Idaho.  
Residing at Bonanza Ferry, Idaho.

9-26-96

|                                                 |                |         |
|-------------------------------------------------|----------------|---------|
| No.                                             | QUITCLAIM DEED |         |
| -TO-                                            |                |         |
| Dated                                           | 19             | ss.     |
| STATE OF IDAHO,                                 |                |         |
| County of                                       |                |         |
| I hereby certify that this instrument was filed |                |         |
| for record at request of                        |                |         |
| at                                              | minutes past   | day     |
| o'clock                                         | M., this       | A.D. 19 |
| in my office, and duly recorded in Book         |                |         |
| of                                              | at page        |         |
| Ex-Officio Recorder.                            |                |         |
| By                                              | Deputy.        |         |
| Fees, \$                                        |                |         |
| Mail to                                         |                |         |
| SYNOPSIS COMPANY, BOISE                         |                |         |