

364603

WARRANTY DEED

GRANTOR, DANIEL C. CATHCART and JACQUELYN C. CATHCART, husband and wife, of 234 South Beverly Glen Blvd., Los Angeles, CA 90049 for a good and valuable consideration, the receipt of which hereby acknowledged, does hereby grant, bargain, sell and convey unto DAVID JAMES ERIKSEN, and SHARON McKIBBEN ERIKSEN, as trustees of THE DAVID JAMES ERIKSEN AND SHARON McKIBBEN ERIKSEN TRUST, DATED APRIL 10, 1991, of P. O. Box 238, Grangeville, Idaho 83530, GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

- ✓ Township 34 North, Range 5 East, Boise Meridian, Idaho County, Idaho
- ✓ Section 27: The North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) and the North Half of the South Half of the Northwest Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$)
- Section 28: The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), LESS ROAD.

TOGETHER with all improvements, water, water rights, ditch rights, easements, hereditaments and appurtenances thereto

Subject to:

1. General taxes due and payable, not yet due and payable.
2. Reservations of Mineral Rights as evidenced in Warranty Deed, dated June 9, 1980, between ALFRED L. CLARK AND RONELDA T. CLARK, husband and wife, as grantors, and DANIEL C. CATHCART AND JACQUELYN CATHCART, husband and wife, as grantees, including terms and conditions thereof, recorded March 8, 1990, Instrument No. 352249, Instrument No. 352249, records of Idaho County, Idaho.

WARRANTY DEED

MICROFILMED

OCT 04 2002

1 Grantor, for himself, his heirs and assigns does hereby
2 covenant, warranty and shall defend the quiet and peaceable
3 possession of said premises by the Grantee, their heirs and assigns
4 forever against the lawful claims of all persons.

5 In construing this deed, and where the context so requires,
6 the singular includes the plural and the masculine, the feminine
7 and the neuter.

8 IN WITNESS WHEREOF, Grantors have hereunto subscribed their
9 names to this instrument this 7th day of August, 1992.

10 *Daniel C. Cathcart*
11 DANIEL C. CATHCART

12 *Jacquelyn C. Cathcart*
JACQUELYN C. CATHCART

13 STATE OF Idaho)
14 County of Kootenai) ss.

15 On this 7th day of August, 1992, before me,
16 *Sonna D. Griffith*, a Notary for the said County and
17 State, personally appeared DANIEL C. CATHCART and JACQUELYN C.
18 CATHCART, husband and wife, known or identified to me to be the
19 persons whose names are subscribed to the within instrument, and
20 they acknowledged to me that they freely executed the same and that
21 the statements therein contained are true.

RECEIVED

FEB 20 2001

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

Per # 14146

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, 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
	84-10168 -			84-10173 -	
	84-10169 -				
	84-10170 -				
	84-10171 -				
	84-10172 -				

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

A. The appropriate **FILING FEE**. See instructions for fee amounts. *Paid \$150.00*

☒ 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) are 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)

DANIEL AND JACQUELYN CATHCART
234 S. BEVERLY GLEN BLVD.
LOS ANGELES, CA. 90024

4. New Owner/Claimant(s)

DAVID JAMES ERIKSEN AND SHARON MCKIBBEN ERIKSEN
As Trustees For the: DAVID JAMES ERIKSEN & SHARON MCKIBBEN ERIKSEN
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or ☐ Family Trust

New Mailing Address

AC 11 BOX 73-F

City, State and ZIP Code

KAMIAH, ID. 83536

New Telephone Number

(208) 935-2353

MICROFILMED

5. Date you acquired the property

Aug. 10, 1992

OCT 04 2002

See file 84-10168 for support documentation

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)

Sharon M. Erickson

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 dp Date 2/15/01 Fee 105 x 6 = 7150. total
 Received by dp Date 2/15/01 Receipt No. 15014146
 Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED
OCT 04 2002

364603

WARRANTY DEED

GRANTOR, DANIEL C. CATHCART and JACQUELYN C. CATHCART, his
and wife, of 234 South Beverly Glen Blvd., Los Angeles, CA 900
for a good and valuable consideration, the receipt of which
hereby acknowledged, does hereby grant, bargain, sell and con
unto DAVID JAMES ERIKSEN, and ~~SHARON E. ERIKSEN~~
of the ~~DAVID JAMES ERIKSEN~~
DATED APRIL 10, 1980,
GRANTEE, and to grantee's heirs and assigns
following described real estate located in the County of Ida
State of Idaho, to wit:

✓Township 34 North, Range 5 East, Boise Meridian, Idaho
County, Idaho
✓Section 27: The North Half of the Northwest Quarter
(N $\frac{1}{2}$ NW $\frac{1}{4}$) and the North Half of the South Half of the
Northwest Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$)
Section 28: The South Half of the Northeast Quarter
(S $\frac{1}{2}$ NE $\frac{1}{4}$) and the North Half of the Southeast Quarter
(N $\frac{1}{2}$ SE $\frac{1}{4}$), LESS ROAD.

TOGETHER with all improvements, water, water rights, ditch
ditch rights, easements, hereditaments and appurtenances there

2. Reservations of Mineral Rights as set forth in
Warranty Deed, dated June 9, 1980, between
ALFRED L. CLARK AND RONELDA T. CLARK, husband
and wife, as grantors, and DANIEL C. CATHCART
AND JACQUELYN CATHCART, husband and wife, as
grantees, including terms and conditions
thereof, recorded March 8, 1980, Instrument No.
352269, Instrument No. 352249, records of Idaho
County, Idaho.

WARRANTY DEED

MICROFILMED

OCT 04 2002

1 Grantor, for himself, his heirs and assigns does hereby
2 covenant, warranty and shall defend the quiet and peaceable
3 possession of said premises by the Grantee, their heirs and assigns
4 forever against the lawful claims of all persons.

5 In construing this deed, and where the context so requires,
6 the singular includes the plural and the masculine, the feminine

9 names to this instrument this 7th day of August, 1992.

10 *Daniel C. Cathcart*
11 DANIEL C. CATHCART

Jacquelyn C. Cathcart
JACQUELYN C. CATHCART

13 STATE OF Idaho)
14 County of Kootenai) ss.

15 On this 26th day of August, 1992, before me,
16 *Sonna D. Griffith*, a Notary for the said County and
17 State, personally appeared DANIEL C. CATHCART and JACQUELYN C.

~~and wife, known or identified to me to be the~~

21 the statements therein contained are true.

22

23

24

28 WARRANTY DEED

2

MICROFILMED

OCT 14 2002

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 84-10168

2002 MAR -6 PM 2:13

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: DAVID JAMES ERIKSEN & SHARON
MCKIBBEN ERIKSEN FAMILY TRUST
HC 11 BOX 73-F
KAMIAH, ID 83536

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1930

POINT OF DIVERSION: T34N R05E S28 NENWSE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Idaho County
T34N R05E S28 NWSE

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 Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

SRBA

PARTIAL DECREE 84-10168

Issued on 12-29-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	DANIEL C CATHCART JACQUELYN C CATHCART 234 S BEVERLY GLEN BLVD LOS ANGELES, CA 90024		
SOURCE:	SPRING	TRIBUTARY: SJ	
QUANTITY:	0.04 CFS	THE QUANTITY OF WATER UNDER THIS RIGHT SJ GALLONS PER DAY.	
PRIORITY DATE:	01/01/1930		
POINT OF DIVERSION:	T34N R05E S28	<u>SESWSE</u>	Within Id
PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	
	Domestic 1 HOME	01-01 TO 12-31	
PLACE OF USE:	Domestic		
	T34N R05E S28	SWSE	
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS V			
	THE QUANTITY OF WATER DECREED FOR THIS WA DETERMINATION OF HISTORICAL BENEFICIAL USE.		
	THIS PARTIAL DECREE IS SUBJECT TO SUCH GE NECESSARY FOR THE DEFINITION OF THE RIGHTS C ADMINISTRATION OF THE WATER RIGHTS AS MAY BE DETERMINED BY THE COURT AT A POINT IN TIME N ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTI		

Return to SRBA Home Page

MICROFILMED

OCT 04 2002

MEMORANDUM

Dated: December 10, 2001

To: ~~84-10168~~, 84-10169, 84-10170, 84-10171, 84-10172, and 84-10173

From: Roxanne Brown

Re: Change of Ownership

David and Sharon Eriksen submitted a change of ownership form for these rights on February 20 2001, with an associated warranty deed. The legal description contained on the deed did not match the legal descriptions for rights 84-10168, 84-10169, 84-10171 and 84-10173.

Jeff Peppersack wrote a letter to the Eriksens on March 30 2001 summarizing our difficulty processing the change of ownership. The Eriksens subsequently spoke with IDWR adjudication staff and sought to have the partial decrees of these rights set aside so as to correct the descriptions of the points of diversion and places of use.

Standard Form 5 (SF5) documents were prepared for the Eriksens and the request of the SRBA Court and sent to them on December 10, 2001. These documents corrected the points of diversion and places of use on 84-10168, 84-10169, 84-10171 and 84-10173. The documents also change the name of the water right owner to the "David James Eriksen & Sharon McKibben Eriksen Family Trust" as shown on the February 20 2001 ownership change form.

The database records were also changed for 84-10170 and 84-10172 to represent the new ownership. A copy of the corrected information was sent to the Eriksens with the SF5s.

MICROFILMED
BET 8 4 2002



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

March 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID ERIKSEN
HC 11 BOX 73-F
KAMIAH ID 83536

RE: Change in Ownership of Water Right Nos. 84-10168, 84-10169, 84-10170, 84-10171,
84-10172 and 84-10173

Dear Mr. Eriksen:

This letter is a follow-up to our recent phone conversation regarding the ownership change for the water rights referenced above to the David James Eriksen & Sharon McKibben Eriksen Family Trust. I have completed a review of the place of use for each of the water rights.

The results of my review indicate that there is insufficient documentation to process an ownership change for water right nos. 84-10168, 84-10169, 84-10171 and 84-10173. I have prepared a map of the locations of the water rights as decreed and the locations indicated on the warranty deed submitted with your ownership change notice. I have also included a computer-generated report for each of those water rights. Because the Department cannot process the ownership change without proper documentation, we will hold any action on those water rights pending receipt of the necessary documentation.

Regarding water right nos. 84-10170 and 84-10172, the documentation you have submitted is sufficient to process the ownership change. You will be advised when the database records have been changed to reflect the new ownership.

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 on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

OCT 04 2002



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

March 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID JAMES ERIKSEN & SHARON MC KIBBEN ERIKSEN
TRUSTEES FOR THE DAVID JAMES ERIKSEN &
SHARON MC KIBBEN ERIKSEN FAMILY TRUST
HC 11 BOX 73-F
KAMIAH ID 83536

RE: Change in Ownership of Water Rights 84-10168, 69, 71 & 73

Dear Mr. & Mrs. Eriksen:

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:

✓ **Legal Description of Property**

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. I have enclosed a copy of the water right decrees for your reference. Also enclosed is a copy of the deed you furnished.

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.

Please feel free to contact the Department if you have any questions.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MICROFILMED

OCT 04 2002