

No Color
Documents
In File

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

RECEIVED
MAR 27 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
81-10037					

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APR - 2 2001

Department of Water Resources

NO 14226

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)

Kenneth Mitchell
Rt 1 Box 44

4. New Owner/Claimant(s)

Kooskia Ad- 83539

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

New Mailing Address

Jason D. Loughran

City, State and ZIP Code

Rt 1 Box 44 Kooskia, Id. 83539

New Telephone Number

208 935 7894

5. Date you acquired the property

1-28-98

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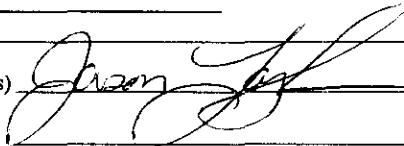
SEP 25 2001

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)



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 <u>JP</u>	Date <u>3/27/01</u>	Fee <u>125⁰⁰</u>	
Receipted by <u>JP</u>	Date <u>3/27/01</u>	Receipt No. <u>NO14226</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

398002

COMPUTER
INDEXED
TRACTED
FILMED
ASSESSOR

AMENDED DEED OF GIFT

THIS INDENTURE, made on this 19 day of January, 1998, by and between KENNETH MITCHELL, a bachelor, and KENNETH MITCHELL Trustee of the Kenneth Mitchell Trust, GRANTORS, and JASON DAVID LOUGHRAN, a married man of Route 1, Box 50, Kooskia, ID 83539, GRANTEE,

W I T N E S S E T H:

That the Grantors, for and in consideration of love and affection, have granted, bargained and sold, and by these presents do grant, bargain, sell, and convey and confirm unto the said Grantee, his heirs and assigns forever, all of the following described real property, situate in the County of Idaho, State of Idaho:

See legal description attached hereto as Exhibit "A"

RESERVING, HOWEVER, a life estate by the said Grantor, Kenneth Mitchell, and said Grantors reserve the right to absolutely control any and all activity that takes place within a 300 yard radius from the existing cabin on the property and specifically the Grantors direct that no logging, road building, fence building, land or woods clearing, or any other similar work of any kind shall take place within a radius of 300 yards from the cabin of the Grantor Kenneth Mitchell without the express prior written approval of Kenneth Mitchell.

AND the said real property is conveyed to the above named Grantee as his sole and separate property, including all rents, profits, or other income which may come from said premises.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to said property, as well in law as in equity of the said Grantors.

STATE of IDAHO	
County of Idaho	
Recorded at request of <u>Keeton & Talt</u>	
at <u>30</u> minutes past <u>9</u> o'clock <u>A</u> M.	
this <u>22</u> day of <u>Jan</u> , 19 <u>98</u>	
ROSE E. GEHRING	
By <u>Edith L. Anderson</u>	Recorder
<u>1000</u>	Deputy

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SEP 25 2001

Law Offices of
Keeton and Talt
Lewiston, Idaho

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises together with the appurtenances unto the said Grantee, and to his heirs and assigns, forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year in this indenture first above written.

Kenneth Mitchell
KENNETH MITCHELL, individually

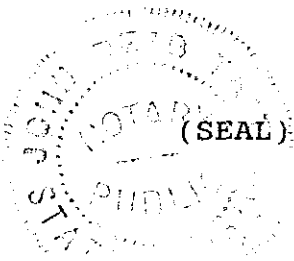
Kenneth Mitchell
KENNETH MITCHELL, Trustee of the
Kenneth Mitchell Trust

STATE OF I D A H O)
County of Nez Perce): ss.

On this 19 day of January, 1998, before me, John R. Tait, a Notary Public in and for the said state, personally appeared KENNETH MITCHELL, a bachelor, and KENNETH MITCHELL, Trustee for the Kenneth Mitchell Trust, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me 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 hereinabove written.

John R. Tait
Notary Public in and for the
State of Idaho, residing at
Lewiston therein.
My Commission Expires: 10/28/98



MICROFILMED -2-

SEP 25 2001

Law Offices of
Keeton and Tait
Lewiston, Idaho

Kenneth Mitchell

A parcel of land located in the SE1/4SW1/4 and part of the SE1/2SE1/4 of Section 31, T32N, R5E, Boise Meridian, Idaho County, Idaho, which is particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 31, a brass cap monument marked LS 955 THE TRUE POINT OF BEGINNING

Thence N89°48'04"W on section line, 1317.35' to a 5/8"x30" IR with Aluminum cap marked PLS 5165, the W1/16 corner

Thence N00°28'04"E on 1/16 line, 1313.54' to a 5/8"x30" IR with Alum cap marked PLS 5165, the SW1/16 corner

Thence S89°01'50"E on 1/16 line, 1165.80' to a 5/8"x30" IR with plastic cap marked PLS 5165, on the Westerly R.O.W. of a 50.00' road

Thence the following courses on R.O.W.:

(1) S50°30'29"E, 121.47' (2) S35°19'03"E, 227.06'

(3) S10°10'52"W, 533.99' (4) S01°04'14"W, 364.82'

(5) S32°09'36"E, 174.15' to a 5/8"x30" IR with plastic cap marked PLS 5165

Thence N88°31'00"W, leaving R.O.W., 75.54' to THE TRUE POINT OF BEGINNING

Said parcel contains some 39.640 Acres.



MICROFILM EXHIBIT

SEP 25 2001

A-2

Kenneth Mitchell

A parcel of land located in Lot 2, Section 6, T31N, R5E, Boise Meridian, Idaho County, Idaho, which is more particularly described as follows:

Commencing at the 1/4 corner common to Sections 6 and 31, a brass cap monument marked LS 955, THE TRUE POINT OF BEGINNING

Thence S88°31'00"E, 75.54' on section line to a 5/8"X30" IR with plastic cap marked PLS 5165, on the Westerly R.O.W. of a 50.00' wide road

Thence the following courses on the R.O.W.:

- | | |
|--------------------------|-----------------------------|
| (1) S32°09'36"E, 165.10' | (2) S42°07'46"E, 380.96' |
| (3) S11°05'37"E, 344.02' | (4) S25°11'29"E, 297.11' |
| (5) S09°52'46"W, 213.94' | (6) S19°39'01"W, 9.82' to a |

5/8"X30" IR with plastic cap marked PLS 5165, on Southerly line of Lot 2

Thence S89°24'07"W on Southerly line of Lot 2, 723.70' to the CN1/16

Thence N06°53'27"E on center section line, 1267.43' to THE TRUE POINT OF BEGINNING

Said parcel contains some 14.386 Acres.



EXHIBIT

A-1

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SEP 25 2001

2000 AUG 18 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 81-10037

NAME AND ADDRESS: KENNETH MITCHELL
RT 1 BOX 44
KOOSKIA, ID 83539

SOURCE: SPRING TRIBUTARY: CLEAR CREEK

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1963

POINT OF DIVERSION: T32N R05E S31 NESEW Within Idaho County

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

PLACE OF USE: Domestic Within Idaho County
T32N R05E S31 SESW

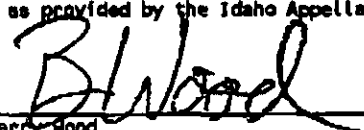
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


Barry Hood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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SEP 25 2001



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

September 4, 2001

JASON D LOUGHRAN
RT 1 BOX 44
KOOSKIA ID 83539

RE: Change of Ownership for Water Right 81-10037

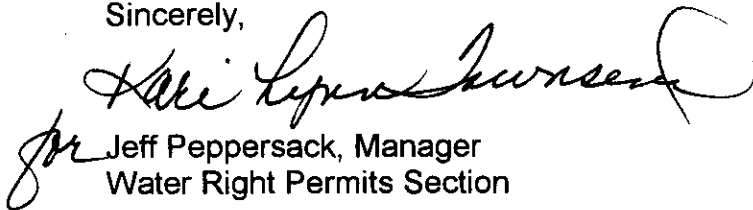
Dear Water Right Holder(s):

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. Also enclosed is a receipt for the \$25.00 filing fee.

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,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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SEP 25 2001