

**CAROLYN
BRAY'S
SURVEY**

BASIS OF BEARING

N 89°52'56" E

HARTFORD AVE

BLOCK 18

R1(660')
N 89°52'28" E
369.08'

N 89°52'28" E
220.60'

Found 5/8" diam.
rebar with 2" diam.
aluminum cap, PLS
7157, 2000.

Set 5/8" x 30" rebar
with PLS 9584 cap
0.4' under surface of
asphalt near the edge
of the road.

Set 5/8" x 30" rebar
with PLS 9584 cap in
edge of rock wall.

Set 5/8" x 30" rebar
with PLS 9584 cap
flush with ground.

Duff

Pump House

**LINE
ADJUSTMENT**

553 Sq. ft.

S 89°56'35" W
291.22'

BRAY

1.25 Acres prior to boundary agreement
1.19 Acres after boundary agreement

Boundary by
agreement

Access and utility easement
**ROBY'S
DRIVE WAY**

INDIO AVE.

S 89°59'00" E
660.88'
R1(660')

S 89°59'00" W
220.34'

Set 5/8" x 30" rebar
with PLS 9584 cap
0.4' under surface of
gravel driveway.

S 89°59'00" E
218.03'

BLOCK 19

BLOCK 17

REFERENCES

**MICROFILMED
SEP 25 2001**

Set 5/8" diam.
with 2" diam.
aluminum cap, PLS
7157, 2000.

Set 5/8" x 30" rebar
with PLS 9584 cap
0.4' under surface of
asphalt near the edge
of the road.

Set 5/8" x 30" rebar
with PLS 9584 cap
flush with ground.

Set 5/8" x 30" rebar
with PLS 9584 cap
0.4' under surface of
gravel driveway.

Remains

Roby

Set 5/8" x 30" rebar
with PLS 9584 cap
0.4' under surface of
gravel driveway.

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

JAN 19 2001

RECEIVED
JAN 16 2001
IDWR/North

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): 85-10866 P.D. Filed 12-29-00

Adjudication Claim No(s): A85-10866

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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

~~ROBERT~~ ROBERT & CAROLYN BRAY
12825 INDIO AVE, OROFINO, ID 83544

4. New Owner/Claimant(s)

RUTH S. WADE

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

POB 1316

City, State and ZIP Code

OROFINO, ID 83544

New Telephone Number

208-476-2229

5. Date you acquired the property

1-11-01

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock 0

Diversion rate in CFS 96PM Number of homes you acquired 1 Other uses _____

7. Signature of New Owner(s) or Claimant(s)

Ruth S. Wade

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

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SEP 25 2001

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your portion of the water right: include the number of homes you acquired, number of acres irrigated with your portion of the right, if it is more than 1/2 acre, type and number of stock if your portion of the right includes stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

RECEIVED
INDEXED
FILMED
DELIVERED
MAILED

185856

and recorded at the request of

3:10 o'clock P. M. this 11 day of July 2001

Robin Christensen By [Signature]

Office Auditor-Recorder

Clearwater County, Idaho

Return:

WARRANTY DEED

CLEARWATER LAND TITLE

IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, CAROLYN B. BRAY, a widow, Grantor, does hereby convey, grant and warrant unto RUTH S. WADE, a single person, P.O. Box 1316, Orofino, Idaho 83544. Grantee, the following described real property situate in the County of Clearwater, State of Idaho, to-wit:

The Southerly 147.5 feet of Lots 3, 4, 5, and 6 all of Block 18, Riverview Subdivision, according to the recorded plat thereof.

EXCEPTING:

A portion of Lot 6, Block 18, Riverview Subdivision, according to the recorded plat thereof, described as: Beginning at the Southwest corner of Lot 6; thence North 117.5 feet; thence East 90 feet; thence South 117.5 feet; thence West 90 feet to the point of beginning.

EXCEPTING:

A parcel of land situated in Lot 3, Block 18, Swayne's Riverview Subdivision, according to the recorded plat thereof, located in said Section 3, Township 36 North, Range 1 East, Boise Meridian, Clearwater County, Idaho, more particularly described as follows:

Commencing at a 5/8 inch by 30 inch rebar with a PLS 9584 cap marking the Southeast corner of said Block 18, from which a 5/8 inch by 30 inch rebar with a PLS 9584 cap marking the Northeast corner of said Block 18 bears North 00°35'53" East a distance of 285.66 feet; thence along the South boundary of said Block 18, North 89°59'00" West a distance of 220.34 feet to a 5/8 inch by 30 inch rebar with a PLS 9584 cap marking the Southeast corner of Lot 3 of said Block 18 and the Real Point of Beginning; thence along the East boundary of said Lot 3 of said Block 18, North 00°32'55" East a distance of 147.56 feet to a 5/8 inch by 30 inch rebar with a PLS 9584 cap; thence South 89°56'35" West a distance of 7.49 feet to a 5/8 inch by 30 inch rebar with a PLS 9584 cap; thence South 02°21'34" East a distance of 147.67 feet to a 5/8 inch by 30 inch rebar with a PLS 9584 cap and the Real Point of Beginning.

SUBJECT TO an easement for the purpose shown therein and rights incidental thereto as reserved in a document, recorded on July 8, 1957, in Book 45 of Deeds, page 25.

ALSO SUBJECT TO an easement for the purpose shown therein and rights incidental thereto as reserved in a document, recorded on April 12, 1957, in Book 44 of Deeds, page 392.

ALSO SUBJECT TO an easement granted to Riverside Sewer District, recorded on March 22, 1967, in Book 60 of Deeds, page 518.

Per Jeanne at Clearwater
County Auditor's Office
T 36N, R 1E, S 3
12825 Indian Ave

1 ALSO SUBJECT TO an easement granted to Larry D. Roby
2 and Pamela D. Roby, husband and wife, recorded on June 12,
3 2000, as Instrument No. 184411.

4 ALSO SUBJECT TO all matters, and any rights, easements,
5 interests or claims which may exist by reason thereof, disclosed
6 by an ALTA/ACSM survey made by Cuddy Surveying on
7 November 21, 2000, designated as Job No. 185534.

8 ALSO SUBJECT TO all other easements and restrictions of
9 record.

10 TO HAVE AND TO HOLD the said premises with their tenements, hereditaments,
11 appurtenances, issues and profits unto the said Grantee and the Grantee's successors and
12 assigns forever. And the Grantor does hereby covenant to and with the Grantee that she is
13 free from all encumbrances, except as above-described, and that the Grantor will warrant and
14 forever defend title thereto against all lawful claims and demands whatsoever.

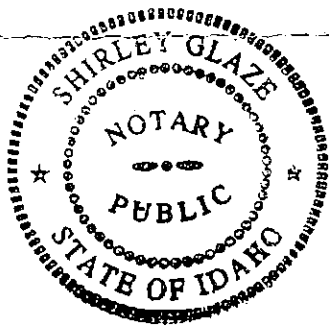
15 THIS WARRANTY DEED is executed this 11th day of January, 2001, by the
16 Grantor to the Grantee named above.

17 Carolyn B. Bray
CAROLYN B. BRAY.

18
19
20
21 STATE OF IDAHO)
22)
23 County of Clearwater)

24 On this 11th day of January, 2001, before me, the undersigned, a Notary
25 Public in and for the State of Idaho, personally appeared CAROLYN B. BRAY, known to me
26 to be the person whose name is subscribed to the within and foregoing instrument and
27 acknowledged to me that she executed the same.

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



Shirley Glaze
Notary Public in and for the State of Idaho,
residing at Orofino, therein.
My commission expires: 8-6-03

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SEP 25 2001

BASIS OF BEARING

Found 5/8" diam.
rebar with 2" diam. PL
aluminum cap, PLS
7157, 2000.

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with PLS 9584 cap
0.4' under surface of
asphalt near the edge
of the road.

R1{660'}
N 89°52'28" E

HARTFORD AVE

N: 89°52'28" E

Set 5/8" x 30" rebar

Block 18

PRAY

1.25 Acres prior to boundary agreement.
1.19 Acres after boundary agreement.

Access and utility easement

ROBY'S
DRIVE WAY

INDIO AVE.

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SEP 25 2001

REFERENCES

307B

Block :

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 85-10866

NAME AND ADDRESS: CAROLYN B BRAY
ROBERT L BRAY
12825 INDIO AVE
OROFINO, ID 83544

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T36N R01E S03 NESENW Within Clearwater County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic LAWN AND GARDEN 04-01 TO 11-01 0.02 CFS

PLACE OF USE: Domestic Within Clearwater County
T36N R01E S03 SENW

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

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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

RUTH S WADE
PO BOX 1316
OROFINO ID 83544

RE: Change of Ownership for Water Right 85-10866

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,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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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

June 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RUTH S WADE
PO BOX 1316
OROFINO ID 83544

RE: Change of Ownership for Decreed Water Right 85-10866

Dear Ms. Wade:

Our letter to you of May 3, 2001 (copy enclosed) remains unanswered. This letter states that we will hold your request for 30 days in order for you to respond before returning your notice and attachments. In this case we require a filing fee of \$25.00 in order to complete your request.

As it has been 30 days since our letter was sent and no response has been received, we are returning your notice and attachments as stated above.

If you still wish to pursue a change of ownership for the above listed decreed water right, please return this paperwork to us along with the appropriate filing fee. We will be glad to process your request providing our requirements are met.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MICROFILMED

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

May 3, 2001

RUTH S WADE
PO BOX 1316
OROFINO ID 83544

RE: Change of Ownership for Decreed Water Right 85-10866

Dear Ms. Wade:

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:

✓ **Filing Fee** of \$25 per water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$25.00.

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees 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.

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

Sincerely,

Kari Lynn Townsend
Secretary

MICROFILMED

KLT:k

SEP 25 2001