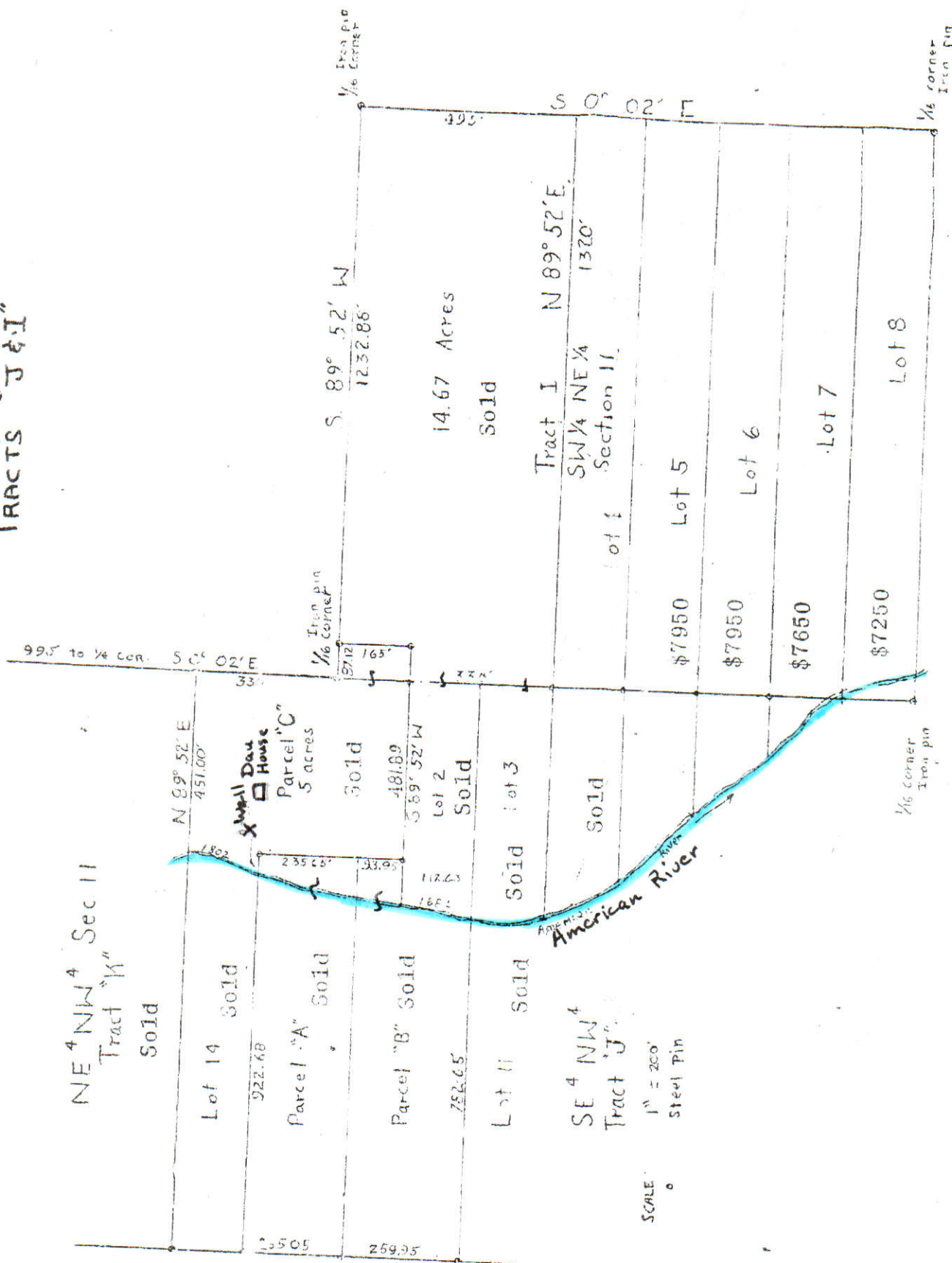


T.29 N.R.8 E.B.M.

ELK CITY LAND COMPANY SURVEY PLAT

TRACTS "J & I"



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SEP 25 2001

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

RECEIVED

AUG 15 2000

Please print or type. Attach pages with additional information. Instructions are included at the end of this Department of Water Resources
 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
82-07106	39576	___			
P.D. 7-2100		___			

RECEIVED

AUG 16 2000

Department of Water Resources

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) 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) Gary J. Dau, Marjorie K. Dau, George J. Dau
4. New Owner/Claimant(s) Brenda G. Dau, Trustee of Living Trust of
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or Brenda G. Dau
- New Mailing Address 1932 Harris Ave
- City, State and ZIP Code Richland WA 99352
- New Telephone Number (509) 943-3123

5. Date you acquired the property Dec 1972 (joint owner)*
Sept 13, 1993 (as sole owner)
- * Property was purchased by my husband, myself and my husband's parents. My husband, Gary J. Dau, died in 1990 leaving me as half owner. My husband's parents, George J. and Marjorie K. Dau conveyed their half interest to me in 1993.

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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) Brenda G. Dan
(include title if applicable) Trustee of Living Trust of Brenda G. Dan

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 GB Date 8/14/00 Fee \$25.00
 Receipted by GB Date 8/14/00 Receipt No. NO-3884 C 051602 on 12-22-00
 Processed by _____ AJ Date _____ WR _____ Date _____

SEP 25 2001

370667

GIFT DEED

INDEXED
TRACTED
FILMED
ASSESSOR

For Value Received, GEORGE J. DAU and MARJORIE K. DAU, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto BRENDA DAU, the Grantee, whose current address is 1932 Harris, Richland, WA, all of their undivided one-half interest in the following described premises situate in Idaho County, State of Idaho, to-wit:

Parcel (C-J-K) a part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 29 North, Range 8 East, Boise Meridian, and more particularly described as follows, to-wit:

Beginning at the section corner common to Sections 2, 3, 10 and 11 which is a 2" pipe monument with a brass cap; thence North 89°52' East along the Section line a distance of 2631.6 feet to the 1/4 section corner; thence South 0°02' East 1013.92 feet to the True Point of Beginning; thence continuing South 0°02' East 309.06 feet to the 1/16th section corner; thence continuing South 0°02' East 188.92 feet; thence South 88°51' West 484.81 feet; thence North 0°02' West 330.00 feet; thence North 88°51' West 82.28 feet to a point lying in the center of American River; thence Northerly along the center of American River 180.0 feet more or less; thence North 88°51' East 551.0 feet to the True Point of Beginning.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances except those set forth above, and taxes, levies and assessments for 1993 and thereafter; and that they will warrant and defend the same from all lawful claims whatsoever.

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SEP 25 2001

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this 13 day of September, 1993.

George J. Dau
GEORGE J. DAU

Marjorie K. Dau
MARJORIE K. DAU

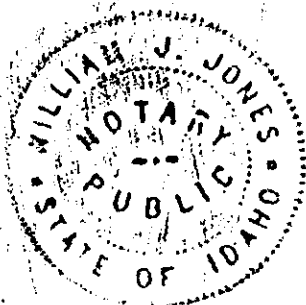
STATE OF IDAHO)
: ss
County of Nez Perce)

On this 13th day of September, 1993, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared GEORGE J. DAU and MARJORIE K. DAU, known or identified to me to be the persons whose names are subscribed to the within and 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 first above written.

William J. Jones
Notary Public in and for the State
of Idaho, residing at Lewiston,
therein.

My commission expires May 28, 1998



MICROFILMED -2-
SEP 25 2001

STATE of IDAHO	ss
County of Idaho	
Recorded at request of	<u>William J. Jones</u>
at <u>0</u> minutes past <u>10</u> o'clock	<u>A</u> . M.
this <u>16</u> day of <u>Sept</u> , 19 <u>93</u>	
ROSE E. GERRING	
By <u>Edith L. Anderson</u>	Recorder
	Deputy
Fees \$ <u>6.00</u>	

M/P O Box 854 Lewiston Id 83501

7-16
WARRANTY DEED

THIS INDENTURE, made this ____ day of December, 1972, by
and between DON G. WEST and ROSE MARY WEST, husband and wife,
and HARVEY BOESEN and EMMA MAE BOESEN, husband and wife, d/b/a
ELK CITY LAND CO., a joint venture, first parties, and Grantors, and
GEORGE J. DAU and MARJORIE K. DAU, husband and wife, and GARY J.
DAU and BRENDA DAU, husband and wife, Second Parties, and Grantees,

WITNESSETH:

That said first parties, for and in consideration of the sum of Ten
(\$10.00) Dollars and other valuable considerations to them in hand paid by
said Second Parties, receipt whereof is hereby acknowledged, by these pre-
sents do grant, bargain, sell and convey unto the said second parties and to
their successors and assigns, forever, the following described real estate
situate in the County of Idaho, State of Idaho, to-wit:

Twp. 29 N., Rge. 8 E.B.M., Idaho County, Idaho
Sec. 11: Part of E 1/2 NW 1/4 and SW 1/4 NE 1/4 described
as: Beginning at the section corner common to sections 2, 3,
10 and 11 which is a granite stone buried 23 inches in the
ground; thence N. 89° 52' E., along the section line a distance
of 2633.30 feet to the 1/2 section corner; thence S. 0° 02' E.
a distance of 990.0 feet to the true point of beginning; thence
S. 0° 02' E. a distance of 330.00 feet to the 1/16 corner;
thence N. 89° 52' E. a distance of 87.12 feet to a point;
thence S. 0° 02' E., a distance of 165.00 feet to a point;
thence S. 89° 52' W. a distance of 481.09 feet to a point;
thence N. 0° 02' W. a distance of 330.00 feet to a point;
thence S. 89° 52' W. a distance of 82.28 feet to a point;
which lies in the center of American River;
thence Northerly along the center of American River
a distance of 180 feet, more or less, to a point; thence
N. 89° 52' E. a distance of 451.00 feet to the true point of
beginning;

SUBJECT TO: Right of way deed, dated November 7, 1929,
executed by M.R. Felts and Lillian Buck Felts, husband and
wife, to Idaho County, for road 50 feet wide across Sec. 11,
Twp. 29 N., Rge. 8 E; recorded August 5, 1932, in Bk 60 of
Deeds, page 244, and

COPY

SUBJECT TO Land Use Restriction as disclosed in Book 108 of Deeds, page 585, and Bk. 109 of Deeds, page 264., and

SUBJECT TO: Mutual Access and Utility Easement, dated April 28, 1970, executed by Don G. West and Rose Mary West, husband and wife, Elk City Land Co., a joint venture, and John Howard Litchfield and Deloris M. Litchfield; recorded June 5, 1970, as Instrument No. 247440.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the remainder and remainders, reversion or reversions, rents, issues and claims and demands whatsoever of the said first parties, either at law or in equity of, in or to the above described premises.

TO HAVE AND TO HOLD the same unto the said second parties and to their successors and assigns forever.

And the said first parties, for themselves, and for their heirs, executors, administrators or assigns, do hereby covenant and agree to and with the said second parties, their successors and assigns, that, at the time of the ensealing and delivery of these presents, they are well seized of the premises above conveyed in fee simple absolute, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear of all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatsoever kind or description, except taxes for the year 1953 and thereafter.

And, the above bargained premises in quiet and peaceable possession of the said second parties, their heirs, executors, administrators or assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said first parties, and their heirs or assigns, shall and will warrant and defend forever.

IN WITNESS WHEREOF, the said first parties have hereunto set

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SEP 25 2001

-COPY-

their hands and seals the day and year hereinabove first written.

d/b/a ELK CITY LAND CO., a Joint Venture

STATE OF IDAHO)
 : ss
County of Nez Perce)

On this _____ day of December, 1972, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared DON G. WEST and ROSE MARY WEST, husband and wife, and HARVEY BOESEN and EMMA MAE BOESEN, husband and wife, d/b/a ELK CITY LAND CO., a joint venture, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

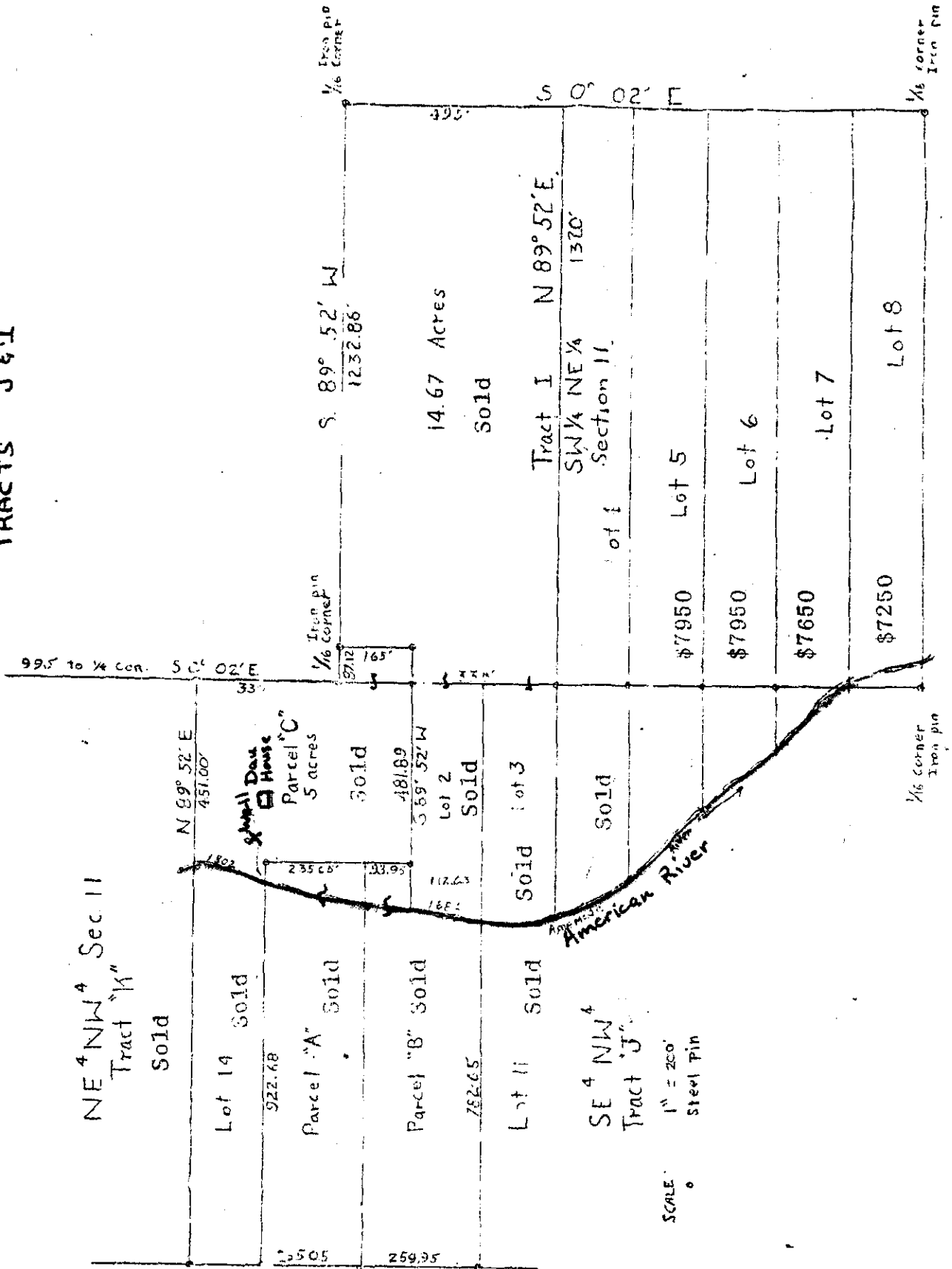
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

Notary Public in and for the State of Idaho,
residing at Lewiston, therein;

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SEP 25 2001

T.29 N.R.8 E.B.M.

ELK CITY LAND COMPANY
SURVEY PLAT
TRACTS "J & I"



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SEP 25 2001

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 82-07106

NAME AND ADDRESS: GARY J DAU
GEORGE J DAU
MARJORIE K DAU
2406 SUNSET DR
LEWISTON, ID 83501

SOURCE: SPRING TRIBUTARY: AMERICAN RIVER

QUANTITY: 0.02 CFS
1.20 AFY

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

PRIORITY DATE: 01/13/1983

POINT OF DIVERSION: T29N R08E S11 SENENW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS 1.20 AFY

PLACE OF USE: Domestic T29N R08E S11 NENW Within Idaho County

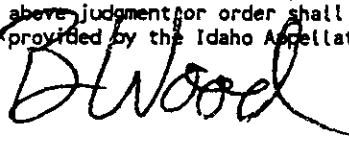
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


Barry Wood
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

BRENDA G DAU
TRUSTEE OF LIVING TRUST OF BRENDA G DAU
1932 HARRIS AVE
RICHLAND WA 99352

RE: Change of Ownership for Water Right 82-7106

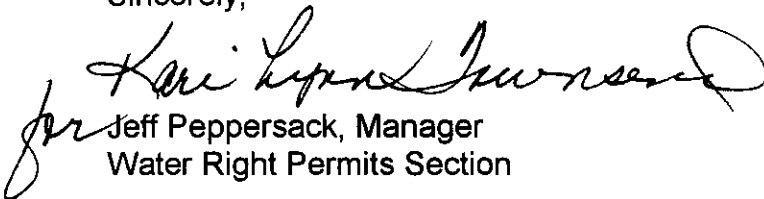
Dear Water Right Holder(s):

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

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

N013884

Date:
Time: 8/14/2000
13:45:14

Received
From:

DAU, BRENDA G

Type of Payment

Program A cct

Amount

CHANGE OF WR OWNERSHIP FEE

65140

229 21 1155

25.00

Total

\$

25.00

CHECK

2070

Region: NORTHERN

Signature: _____

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SEP 25 2001

RECEIVED

AUG 16 2000

Department of Water Resources

August 14, 2000

Brenda G. Dau
1932 Harris Ave
Richland WA 99352

Re: Change in Water Right Ownership for five (5) SRBA Adjudication
Rights: 82-07106

Dear Ms. Dau:

We have received your Notice of Change in Water Right Ownership form for the above referenced SRBA Adjudication rights.

There is no fee required for a Notice of Change in Water Right Ownership for SRBA adjudication rights. Therefore, we are returning your check No. 2070 in the amount of \$25.00.

We are forwarding the documentation to our State Office for processing.

If you have any questions, please call.

Sincerely,

Dianne Ball
Administrative Assistant

db

enc.

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SEP 25 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRENDA G DAU
1932 HARRIS AVE
RICHLAND WA 99352

RE: Change in Ownership of Water Right 82-07106

Dear Ms. Dau:

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
- ☐ **Filing Fee** of \$100 per water right for changes resulting from division of a water right
- ☐ **Signature**
- ☐ **Notarized Signature** for Assignment of Permit
- ☐ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ☐ **Evidence of Security Interest:** copy of Deed of Trust, Mortgage, Contract of Sale or other legal document indicating your interest in the property and water rights in question
- ☐ **Security Interest Expiration Date**
- ☐ **Legal Description of Property**
- ☐ **Plat of Property or Survey Map** usually on file with the county
- ☐ **USDA Farm Service Agency (formerly ASCS) Aerial Photo** with irrigated acres outlined and point(s) of diversion clearly marked

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_____ **Description of Portion of Water Right** resulting from division of 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

KLT:k

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