

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEV RECEIVED

FEB 21 2023

WATER RESOURCES
WESTERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #6](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
78-4141	Yes ☐	Yes ☐		Yes ☐	Yes ☐
78-7093	Yes ☐	Yes ☐		Yes ☐	Yes ☐
78-4082	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Cheryl MacDonald
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Albert A Augustus / Rebecca S Augustus
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 163 Old Pollock Road Pollock ID 83547
Mailing address City State ZIP
- 208-699-7708 albecky.augustus
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 11/17/20

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions)
- ☐ Filing fee (see instructions for further explanation):
- ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Albert A Augustus 2-21-23
Signature of new owner/claimant Title, if applicable Date
- Signature: Rebecca S. Augustus 2-21-23
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by DM Date 2-21-23 Receipt No. W051028 Receipt Amt. \$75.00

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by DM Processed by DM Date _____

SUPPORT DATA

IN FILE # 78-4082

SCANNED

JUN 22 2023

Instrument # 527115

IDAHO COUNTY, IDAHO,
11-19-2020 04:18:59 PM No. of Pages: 4
Recorded for : INLAND TITLE
KATHY M. ACKERMAN Fee: 15.00
Ex-Officio Recorder Deputy *M. M. M.*

(Space Above For Recorder's Use)

SPECIAL WARRANTY DEED

For value received, KEVIN D. EWING, as Domiciliary Foreign Personal Representative of the ESTATE OF CHERYL ELIZABETH MACDONALD, aka CHERYL E. MACDONALD, deceased, having been duly appointed as such Personal Representative on April 28, 2020 in Idaho County Case No. CV25-20-0475, Idaho Second Judicial District, as Grantor, ("Grantor"), does hereby grant, bargain, sell and convey to ALBERT A. AUGUSTUS and REBECCA S. AUGUSTUS, husband and wife, ("Grantees"), whose mailing address is: 163 Old Pollock Rd, Pollock, ID 83547, and Grantees' heirs, successors and assigns forever, the following described real property situate in Idaho County, State of Idaho, ("subject premises"):

PARCEL I:

Township 23 North, Range 1 East, Boise Meridian, Idaho County, Idaho Section 20: A tract of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described from a survey as follows:

BEGINNING at the $\frac{1}{4}$ corner common to Sections 20 and 29, the INITIAL POINT OF BEGINNING,

Thence N 00°27'18"W, 1328.535 feet along the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20;

Thence N 89°47'17"E, 110.000 feet along the North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20;

Thence S 49°21'04"E, 806.764 feet;

Thence S 40°22'48"W, 35.649 feet;

Thence S 58°56'19"E, 154.559 feet;

Thence S 52°18'01"E, 112.604 feet to a point on the Westerly ROW of Old U.S. Highway 95;

Thence S 40°22'48"W, 752.955 feet along said ROW to a P.C.;

Thence along a curve with the following data:

Delta=5°01'20" A.L. = 65.672 feet

Radius = 749.197 feet Ch.D= S 37°52'08"W

Tangent= 32.857 feet Ch.L= 65.651 feet

to a point on the South line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20;

Thence S 89°40'15"W, 381.854 feet along said South line back to the INITIAL POINT OF BEGINNING.

LESS:

Township 23 North, Range 1 East, Boise Meridian, Idaho County, Idaho described from a survey as follows:

Beginning at the section corner common to Sections 19, 20, 29 and 30, said Township and Range, a B.C. monument by PE/LS 2098;
thence S 89°24'54" E, 2654.291 feet to the ¼ corner common to Sections 20 and 29, said Township and Range, a B.C. monument by PE/LS 2098;
thence N 82°42'28"E, 425.590 feet to the northerly right of way of old U.S. Highway No. 95 at PT Sta. 1379+03.1;
thence N 40°22'48" E, 652.034 feet along said right of way to a 5/8" rebar by PLS 9166, this point is the Initial Point of Beginning;
thence N 49°37'12" W, 141.421 feet to a 5/8" rebar by PLS 9166;
thence N 40°22'48" E, 90.907 feet to a 5/8" rebar by PLS 9166;
thence S 58°56'19" E, 29.327 feet to a 5/8" rebar by PLS 9166;
thence S 52°18'01" E, 112.604 feet to a 5/8" rebar by PLS 9166 on the said right of way;
thence S 40°22'48" W, 100.921 feet along said right of way back to the Initial Point of Beginning.

AND

PARCEL II:

A tract of land located between the Easterly ROW of Old US Highway 95 and the Westerly mean highwater line of the Little Salmon River in the SW¼SE¼, said Section, Township and Range, more particularly described from a survey as follows:

COMMENCING at the ¼ corner common to Sections 20 and 29;
Thence N 89°40'15"E, 465.248 feet along the South line of the SW¼SE¼ of said Section 20 to a point in the curve of the Easterly ROW of old US Highway 95;
Thence along said curve with the following dimensions:
Delta=0°56'20" A.L.= 11.197 feet
Radius= 683.197 feet Ch.D. = N 39°54'38"E
Tangent=5.598 feet Ch.L. = 11.197 feet
to a P.T. in the Easterly ROW of said old US Highway 95,
Thence N 40°22'48"E, 278.803 feet to a point on the Easterly ROW of said Old US Highway 95, which point is the INITIAL POINT OF BEGINNING;
Thence N 40°22'48"E, 4.860 feet to a point on the Easterly ROW of said old US Highway 95;
Thence S 49°37'12"E, 75.587 feet to a point on the Westerly mean highwater line of the Little Salmon River;
Thence S 37°48'12"W, 4.865 feet along said highwater line;
Thence N 49°37'12"W, 75.806 feet back to the INITIAL POINT OF BEGINNING.

SUBJECT TO taxes and assessments for the current year, and all subsequent years, together with any and all existing easements, rights-of-way, reservations, covenants, restrictions and encumbrances of record, and the following matters:

1. Any claim arising from any change to the Westerly mean high water line of the Little Salmon River, and also excepting any accretion or avulsion changes of the ordinary high water line.
2. RIGHT OF WAY DEED to THE STATE OF IDAHO recorded October 27, 1925 as Instrument Number 79398, records of Idaho County, Idaho.
3. EASEMENT to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., recorded September 6, 1932 as Instrument Number 99332, records of Idaho County, Idaho.
4. RESTRICTIVE COVENANT and RESERVATION OF ALL MINERAL OF EVERY KIND in Warranty Deed recorded December 16, 1937 as Instrument Number 120401, together with the appurtenant rights to use the surface of the land.
5. POWER LINE EASEMENT to IDAHO POWER COMPANY recorded April 24, 1948 as Instrument Number 159354, records of Idaho County, Idaho.
6. CONVEYANCE AND COVENANTS TO RUN WITH LAND recorded July 30, 1979 as Instrument Number 280082, records of Idaho County, Idaho.
7. MATTERS as shown on Record of Surveys: recorded November 19, 1981 as Instrument Number 295337; recorded July 22, 1994 as Instrument Number 375482; recorded September 8, 1995 as Instrument Number 382134; recorded December 20, 1999 as Instrument Number 409765; recorded December 20, 1999 as Instrument Number 409778; recorded February 6, 2003 as Instrument Number 426772; recorded April 30, 2004 as Instrument Number 435095, all records of Idaho County, Idaho.
8. POWER LINE EASEMENT to IDAHO POWER COMPANY recorded June 14, 1999 as Instrument Number 0406502, records of Idaho County, Idaho.

TOGETHER WITH A 10" wide ingress, egress and utility easement which is located Southerly adjacent and parallel to the above described parcel and is more particularly described from a survey as follows: BEGINNING at the Southwesterly corner on the Easterly ROW of Old US Highway 95 of the above described parcel, which point is the INITIAL POINT OF BEGINNING; Thence S 40°22'48"W, 10.000 feet along the Easterly ROW of said old US Highway 95; Thence S 49°37'12"E, 76.256 feet to the Westerly mean highwater line of the Little Salmon River; Thence N 37°48'12"E, 10.010 feet along the Westerly mean highwater line; Thence N 49°37'12"W, 75.806 feet back to the INITIAL POINT OF BEGINNING.

TOGETHER WITH any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the real property herein described.

The Grantor covenants to the Grantees only as follows: that Grantor has not previously conveyed the same estate, or any portion thereof or interest therein, to any other person; that the real property is free from all encumbrances created by Grantor or those claiming through Grantor, excepting those as may be herein set forth, and excepting those of record; and that subject to the foregoing limitations, Grantor will warrant and defend the same from all lawful claims.

Except as otherwise expressly provided in this instrument, Grantor hereby declares pursuant to Title 5, Chapter 2 of the Idaho Code, that in the event said Grantor shall have permitted or suffered at any time prior to the making of this instrument, any person or entity to possess, use or occupy the subject premises, or any portion thereof, for any purpose, with or without the knowledge of said Grantor, it was not the intent of said Grantor, by permitting or suffering such possession, use or occupation, to thereby define property boundaries or ownership thereof.

DATED this 17th day of November, 2020.

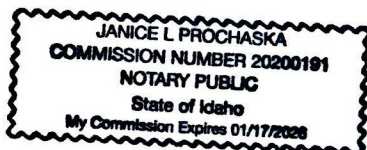
ESTATE OF CHERYL ELIZABETH
MACDONALD, aka CHERYL E.
MACDONALD, deceased

Kevin D. Ewing
KEVIN D. EWING
Domiciliary Foreign Personal Representative

State of Idaho)
: ss.
County of Bonner)

This record was acknowledged before me on November 17, 2020, by KEVIN D. EWING, as Domiciliary Foreign Personal Representative of the ESTATE OF CHERYL ELIZABETH MACDONALD, deceased.

Janice L Prochaska
Signature of notary public
My commission expires: January 17 2026



[END OF SIGNATURES]

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/21/2023

Water Right 78-4082

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALBERT A AUGUSTUS 163 OLD POLLOCK RD POLLOCK, ID 83547-5004 (208) 699-7708
Current Owner	REBECCA S AUGUSTUS 163 OLD POLLOCK RD POLLOCK, ID 83547-5004 (208) 699-7708
Original Owner	PATRICIA A SPAIN PO BOX 194 POLLOCK, ID 83547 (208) 628-3398
Original Owner	KIRK J SPAIN PO BOX 194 POLLOCK, ID 83547 (208) 628-3398
Previous Owner	CHERYL MAC DONALD DBA CDM ENTERPRISES PO BOX 181 POLLOCK, ID 83647 (208) 628-3511
Previous Owner	ROBERT G DERRICK PO BOX 181 POLLOCK, ID 83647 (208) 628-3511

Priority Date: 4/11/1975

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion:

GROUND WATER NESWSE

Sec. 20, Twp 23N, Rge 01E, IDAHO County

SCANNED

JUN 22 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/21/2023

Place Of Use:

DOMESTIC within IDAHO County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	20															X		

Conditions of Approval:

1. C18 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. SECTION 42-1412(6), IDAHO CODE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. 23N01E208565

Dates and Other Information:

Decreed Date: 8/18/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

SCANNED
JUN 22 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/21/2023

Water Right 78-4141

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALBERT A AUGUSTUS 163 OLD POLLOCK RD POLLOCK, ID 83547-5004 (208) 699-7708
Current Owner	REBECCA S AUGUSTUS 163 OLD POLLOCK RD POLLOCK, ID 83547-5004 (208) 699-7708
Original Owner	KIRK J SPAIN BOX 194 POLLOCK, ID 83547 (208) 628-3398
Original Owner	PATRICIA A SPAIN BOX 194 POLLOCK, ID 83547 (208) 628-3398
Previous Owner	ROBERT G DERRICK PO BOX 181 POLLOCK, ID 83647 (208) 628-3511
Previous Owner	CHERYL MAC DONALD DBA CDM ENTERPRISES PO BOX 181 POLLOCK, ID 83647 (208) 628-3511

Priority Date: 1/1/1950

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/31	0.200 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.220 CFS	

Source and Point(s) of Diversion:

SCANNED

JUN 22 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/21/2023

UNNAMED STREAM

SWSE

Sec. 20, Twp 23N, Rge 01E, IDAHO County

Place Of Use:

STOCKWATER within IDAHO County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	20																X	

IRRIGATION within IDAHO County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	20																11.0	11.0

POU Total Acres: 11.0

Conditions of Approval:

1. C18 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. Section 42-1412(6), Idaho Code.
2. R62 This right when combined with 78-7093 shall not exceed 11 acres of irrigation.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Dates and Other Information:

Decreed Date: 11/6/2007

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Water District Number: NWD

Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

SCANNED

JUN 22 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/21/2023

Water Right 78-7093

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALBERT A AUGUSTUS 163 OLD POLLOCK RD POLLOCK, ID 83547-5004 (208) 699-7708
Current Owner	REBECCA S AUGUSTUS 163 OLD POLLOCK RD POLLOCK, ID 83547-5004 (208) 699-7708
Original Owner	PATRICIA A SPAIN BOX 194 POLLOCK, ID 83547 (208) 628-3398
Original Owner	KIRK J SPAIN BOX 194 POLLOCK, ID 83547 (208) 628-3398
Previous Owner	CHERYL MAC DONALD DBA CDM ENTERPRISES PO BOX 181 POLLOCK, ID 83647 (208) 628-3511
Previous Owner	ROBERT G DERRICK PO BOX 181 POLLOCK, ID 83647 (208) 628-3511

Priority Date: 3/24/1977

Basis: Decreed

Status: Active

Source
LITTLE SALMON RIVER

Tributary
SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.200 CFS	44.0 AF
	<u>Total Diversion</u>		0.200 CFS	44.0 AF

Source and Point(s) of Diversion:

LITTLE SALMON RIVER SWSE

Sec. 20, Twp 23N, Rge 01E, IDAHO County

SCANNED

JUN 22 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/21/2023

Place Of Use:

IRRIGATION within IDAHO County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	20																11.0	11.0

POU Total Acres: 11.0

Conditions of Approval:

1. C18 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. Section 42-1412(6), Idaho Code.
2. R62 This right when combined with 78-4141 shall not exceed 11 acres of irrigation.

Dates and Other Information:

Decreed Date: 11/6/2007

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Water District Number: NWD

Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

SCANNED

JUN 22 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 21, 2023

ALBERT A AUGUSTUS & REBECCA S AUGUSTUS
163 OLD POLLOCK RD
POLLOCK ID 83547-5004

Re: Change in Ownership for Water Right No(s): **78-4082, 78-4141, 78-7093**

Dear Water Right Holders:

The Department of Water Resources acknowledges the receipt of correspondence changing ownership of the above referenced water rights to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208)605-4631.

Sincerely,

Debra Mansfield
Office Specialist II

Enclosure(s)

SCANNED

JUN 22 2023