

APR 27 2023

Department of Water Resources
Eastern Region

James D. Woodcock, Chrystal E. Woodcock, and FE Charisse Shank
103 Cemetery Ln,
Salmon, ID 83467

April 3, 2023

Debbi Judd
Technical Records Specialist
Idaho Department of Water Resources Eastern Region
900 N. Skyline Dr, Ste A
Idaho Falls, ID 83402-1718

RE:Water Right 74-319-F

Dear Debbi Judd (or Current Technical Record Specialist),

Our family moved to Idaho and purchased the property and the water rights located at 103 Cemetery Ln, Salmon, ID 83467, which coincides with Water Rights/Claim No. 74-319F. It has recently come to our attention that during the completion of the sale, water rights were not transferred from the previous owner. We are now seeking a transfer of the claim above to our ownership.

Upon inspection of the Form 42-248/42-1409(6) Rev. 6/22 for the purposes of the notice of change in water right ownership, we cannot in good faith complete this form. The formatting of the form is such that it leaves room for post-submission editing by a third party, which could result in partial loss of water rights.

Based upon our conversation with someone in the Salmon Field Office, this form is used for change of addressee and ownership. With that in mind, we are happy to provide the pertinent information in lieu of the form, which is also attached to this letter.

The Water Right/Claim No.: 74-319-F.

Split?: NO

Leased to Water Supply Bank: NO

Previous Owner's Name: John & Maria Hemmert

New Owner(s)/Claimant(s): James Donald Woodcock, Chrystal Elise Woodcock, and FE Charisse Shank

Mailing Address: 103 Cemetery Ln.

City: Salmon

State: ID

Zipcode: 83467

Telephone: (208) 742-1262

Email: woodcockchrystal@gmail.com

If the water rights and/or adjudication claims were split, how did the division occur? N/A

Date you acquired the water rights and/or claims listed above: February 3, 2022

Do you own the land identified as the water right place of use?: YES

Required Items:

- Copy of the warranty deed
- Plat map, survey map, or aerial photograph showing the place of use and point of diversion for water right and or claim listed above
- Filing Fee of \$25 (check # 2910) for *undivided* water right.

If you have any question, feel free to contact us via the phone or email listed above.

Thank you for your cooperation in this matter,



James D. Woodcock



Chrystal E. Woodcock



FE Charisse Shank

Received by JB 4/27/2023 E049136 \$25. -



WARRANTY DEED

Read and Approved:

DS DS DS
JW JW CS

Alliance Title & Escrow, LLC Order No.:593824

FOR VALUE RECEIVED

Ana Maria Hemmert and John Dean Hemmert, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

James Woodcock and Chrystal Woodcock, husband and wife and F.E. Charisse Shank, an unmarried person

whose current address is

103 Cemetery Lane
Salmon, ID 83467

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

Parcel I:

A parcel of land located in the South Half of the Southeast Quarter, Southeast Quarter of the Southwest Quarter, Section 8, Township 21 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 8, run thence along the Southerly boundary of said Section 8, a distance of 1806.58 ft; thence N. 02° 27' 00" W. a distance of 188.88 ft. to the point of beginning. Thence S. 89° 52' 00" W. a distance of 125.70 ft.; Thence N. 00° 08' 00" W. a distance of 266.00 ft.; Thence N. 89° 52' 00" E. a distance of 210.00 ft; Thence S. 00° 08' 00" E. a distance of 125.00 ft.; Thence S. 89° 52' 00" W. a distance of 90.00 ft.; Thence S. 02° 27' 00" E. a distance of 141.12 ft. to the point of beginning.

Parcel II:

A Tract of land lying and being in the South Half of the Southeast Quarter and in the Southeast Quarter of the Southwest Quarter of Section 8, Township 21 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:

Commencing at the Southeasterly corner of said Section 8, run thence S. 89° 52' W. along the Southerly boundary of Section 8 a distance of 1135.06 feet to the point of beginning, and the Southeasterly corner of the tract of land herein described; thence N. 02° 27' W., 720.9 feet; thence West 763.2 feet; Thence South 77.0 feet; thence West 890.4 feet; thence S. 18° 08' E., 680.74 feet to a point on the Southerly boundary of Section 8; thence N. 89° 52' E. along the Southerly boundary of Section 8 a distance of 1469.04 feet to the point of beginning.

Excepting therefrom:

A tract of land lying and being in the South Half of the Southeast Quarter, and in the Southeast Quarter of the Southwest Quarter of Section 8, Township 21 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:

Commencing at the Southeasterly corner of said Section 8, run thence S. 89° 52' W along the Southerly boundary of Section 8 a distance of 1135.06 feet to the point of beginning, and the Southeasterly corner of the tract of land herein described;



Transaction Identification Data for reference only:

Issuing Agent: Alliance Title & Escrow, LLC

Issuing Office: 610 Main St., Salmon, ID 83467

Loan ID Number:

Customer Reference Number:

Issuing Office File Number: 593824

Property Address: 103 Cemetery Lane, Salmon, ID 83467

Revision Number: _____

SCHEDULE A

Read and Approved:

^{DS} JW ^{DS} JW ^{DS} CS

1. Commitment date: **December 8, 2021 at 7:30 A.M**

2. Policy or Policies to be issued:

(a) **2006 ALTA® Owner's Policy**

☒

Standard

☐

Extended

Amount:

\$800,000.00

Premium:

\$2,556.00

Proposed Insured:

James Woodcock and Chrystal Woodcock and F.E. Charisse Shank

(b) **2006 ALTA® Loan Policy**

☐

Standard

☐

Extended

Amount:

Premium:

\$0.00

Endorsements:

Proposed Insured:

3. The estate or interest in the Land described or referred to in this Commitment is **FEE SIMPLE**

4. Title to the FEE SIMPLE estate or interest in the Land is at the Commitment Date vested in:
Ana Maria Hemmert and John Dean Hemmert

5. The Land is described as follows:

See Attached Exhibit 'A'

Old Republic National Title Insurance Company

Tina Dettloff

Authorized Signatory

File No. 593824

Exhibit 'A'

Parcel I:

A parcel of land located in the South Half of the Southeast Quarter, Southeast Quarter of the Southwest Quarter, Section 8, Township 21 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 8, run thence along the Southerly boundary of said Section 8, a distance of 1806.58 ft; thence N. 02° 27' 00" W. a distance of 188.88 ft. to the point of beginning. Thence S. 89° 52' 00" W. a distance of 125.70 ft.; Thence N. 00° 08' 00" W. a distance of 266.00 ft.; Thence N. 89° 52' 00" E. a distance of 210.00 ft; Thence S. 00° 08' 00" E. a distance of 125.00 ft.; Thence S. 89° 52' 00" W. a distance of 90.00 ft.; Thence S. 02° 27' 00" E. a distance of 141.12 ft. to the point of beginning.

Parcel II:

A Tract of land lying and being in the South Half of the Southeast Quarter and in the Southeast Quarter of the Southwest Quarter of Section 8, Township 21 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:

Commencing at the Southeasterly corner of said Section 8, run thence S. 89° 52' W. along the Southerly boundary of Section 8 a distance of 1135.06 feet to the point of beginning, and the Southeasterly corner of the tract of land herein described; thence N. 02° 27' W., 720.9 feet; thence West 763.2 feet; Thence South 77.0 feet; thence West 890.4 feet; thence S. 18° 08' E., 680.74 feet to a point on the Southerly boundary of Section 8; thence N. 89° 52' E. along the Southerly boundary of Section 8 a distance of 1469.04 feet to the point of beginning.

Excepting therefrom:

A tract of land lying and being in the South Half of the Southeast Quarter, and in the Southeast Quarter of the Southwest Quarter of Section 8, Township 21 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:

Commencing at the Southeasterly corner of said Section 8, run thence S. 89° 52' W along the Southerly boundary of Section 8 a distance of 1135.06 feet to the point of beginning, and the Southeasterly corner of the tract of land herein described; thence N. 02° 27' W., 330.0 feet; Thence S. 89° 52' W., 660.0 feet; thence S. 02° 27' E., 330.0 feet to the point on the Southerly boundary of Section 8; thence N. 89° 52' E. along the Southerly boundary of Section 8, a distance of 660.0 feet to the point of beginning.

Also excepting therefrom:

A parcel of land located in the South Half of the Southeast Quarter, Southeast Quarter of the Southwest Quarter, Section 8, Township 21 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 8, run thence along the Southerly boundary of said Section 8, a distance of 1806.58 ft; thence N. 02° 27' 00" W. a distance of 188.88 ft. to the point of beginning. Thence S. 89° 52' 00" W. a distance of 125.70 ft.; Thence N. 00° 08' 00" W. a distance of 266.00 ft.; Thence N. 89° 52' 00" E. a distance of 210.00 ft; Thence S. 00° 08' 00" E. a distance of 125.00 ft.; Thence S. 89° 52' 00" W. a distance of 90.00 ft.; Thence S. 02° 27' 00" E. a distance of 141.12 ft. to the point of beginning



SCHEDULE B - SECTION I REQUIREMENTS

The following requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid. An Owner's policy shall be issued for not less than (1) the amount of the current sales price of the land and any existing improvements appurtenant thereto, or (2) if no sale is to be made, the amount equal to the value of the land and any existing improvements at the time of issuance of the policy. A Loan policy shall be for not less than (a) the full principal amount of the indebtedness secured by the insured mortgage and may include up to 20% in excess thereof to cover foreclosure costs, etc., or (b) if the indebtedness is secured by other collateral, then for not less than the unencumbered value of the land or the amount of the loan, whichever is the lesser. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.

Note No. 1: As of the date hereof there are no matters against John Dean Hemmert and Ana Maria Hemmert which would appear as exceptions in the policy to issue, except as shown herein.

Note No. 2: We find the following activity in the past 24 months regarding transfer of title to subject property:

Warranty Deed:

Grantor: Ben Garechana and Delila T Garechana, husband and wife, also known of record as Delila Ty Garechana

Grantee: John Dean Hemmert and Ana Maria Hemmert, husband and wife

Recorded: September 21, 2020

Instrument No.: 321167

Note No. 3: In the event this transaction fails to close and this commitment is cancelled a fee will be charged complying with the state insurance code.

Note No. 4: According to the available County Assessor's Office records, the purported address of said land is:

103 Cemetery Ln, Salmon, ID 83467

A copy of our Privacy Policy is available on our website, via email, or paper format upon request. Please contact your Title Officer if you would like to request a copy of our Privacy Policy.



**SCHEDULE B - SECTION II
EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights or easements appurtenant to water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
8. General Taxes for the year 2021, a Lien, the first half is delinquent and the second half is now due and payable.
Parcel No.: RP21N22E086607A.
In the original amount of: \$109.74.
9. General Taxes for the year 2021 a Lien, the first half is paid and the second half is now due and payable.
Parcel No.: RP21N22E086608A
In the original amount of: \$1,474.18
10. Taxes, including any assessments collected therewith, for the year 2022 which are a lien not yet due and payable.
11. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: January 17, 1992

Instrument No.: 213278
Rerecorded: July 30, 2012
Instrument No.: 291027

12. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: January 17, 1992
Instrument No.: 213279
Rerecorded: July 30, 2012
Instrument No.: 291026
13. Easements reservations and dedications, as shown on record of survey.
Recorded: June 26, 1991
Instrument No.: 210754
14. Ditch, road and public utility easements as the same may exist over said premises.
15. Right, title and interest of the public in and to those portions of the Land lying within roads or highways.
16. A Deed of Trust to secure an indebtedness in the amount shown below.
Amount: \$495,000.00
Trustor/Grantor: Ana Maria Hemmert and John Dean Hemmert
Trustee: Alliance Title & Escrow Corp
Beneficiary: Navy Federal Credit Union, a coporation
Dated: September 18, 2020
Recorded: September 21, 2020
Instrument No.: 321168

END OF SCHEDULE B

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions.

State of Idaho
Department of Water Resources
Water Right

74-319F

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 10/5/2020



Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

