

MICHAEL K. BRANSTETTER

HULL & BRANSTETTER
CHARTERED
ATTORNEYS AT LAW
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P.O. BOX 709
WALLACE, ID 83873-0709

H.J. HULL (1888-1975)
ALDEN HULL (1919-1984)
PIATT HULL (1914-1992)
TELEPHONE: (208) 752-1154
FAX: (208) 752-0951

June 15, 2015

IDWR Northern Region
7600 Miners Dr., Ste. 100
Coeur d'Alene, ID 83815-7763

RECEIVED

JUN 17 2015

IDWR / NORTH

Re: Notice of Change in Water Right Ownership
Claim Nos.: 94-7191 and 94-7198

Dear Sirs:

Enclosed please find a Notice of Change in Water Right Ownership with supporting documentation.

We received guidance from Ken Noblock on May 21, 2015.

If anything further is needed to transfer these rights please let me know.

Very truly yours,

HULL & BRANSTETTER CHARTERED

By: 
Michael K. Branstetter

MKB/pwk
Enclosures
CC: Mark and Jill Gist (no enclosures)

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JUN 17 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
94-7191	Yes ☐		Yes ☐		Yes ☐
94-7198	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Donald W. Berger and Nancy L. Berger
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Mark W. Gist and Jill L. Gist
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 21428 Coeur d'Alene River Road Wallace ID 83873
Mailing address City State ZIP
- (208) 682-9464 N/A
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: May 24, 2013
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.

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8. Signature: [Signature] Title, if applicable: _____ Date: 6-17-15
Signature: [Signature] Title, if applicable: _____ Date: 6-8-15

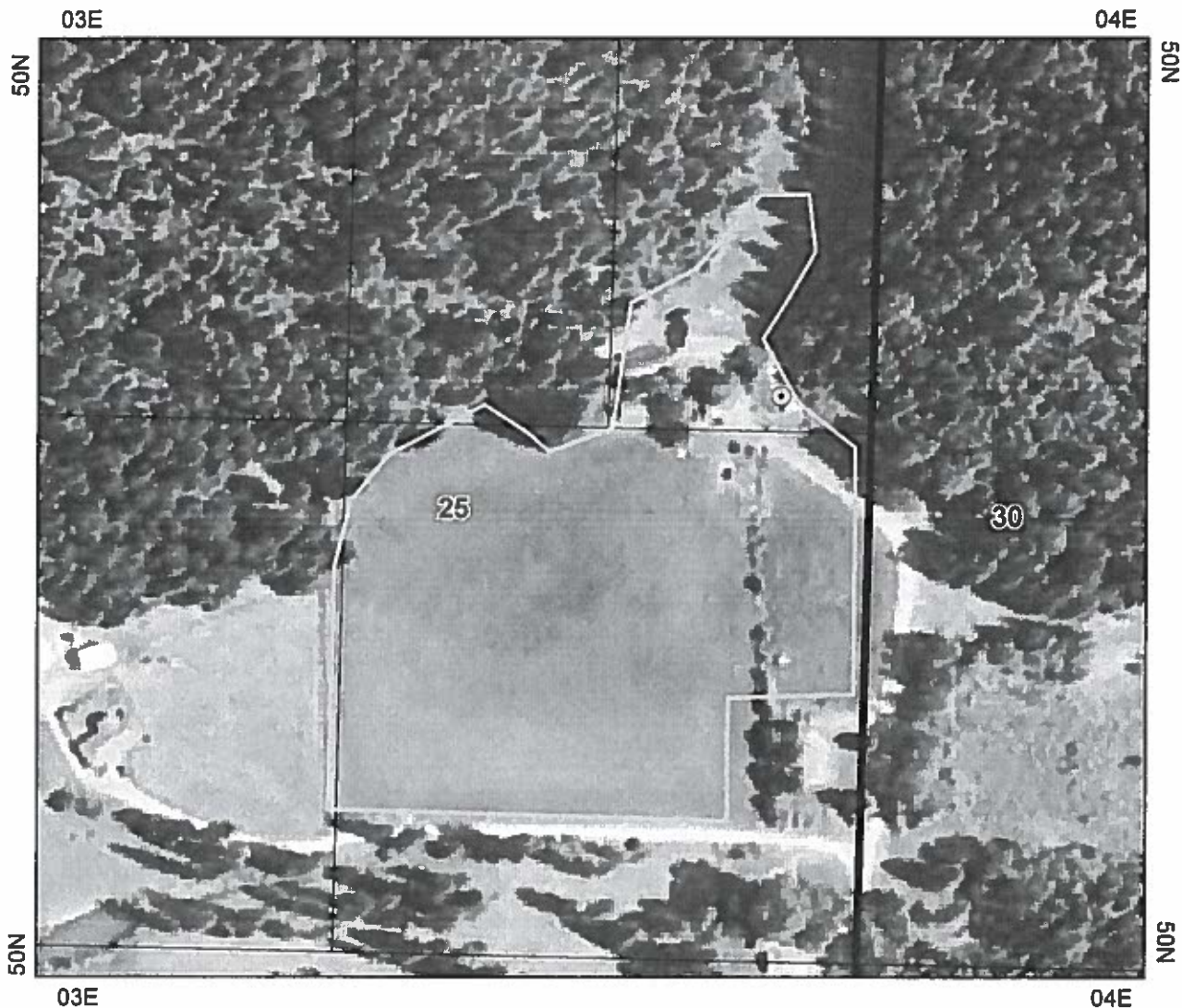
For IDWR Office Use Only:

Received by: N/A Date: N/A Receipt No.: N/A Receipt Amt.: N/A
Approved by: [Signature] Processed by: [Signature] Date: 6/17/15

State of Idaho
Department of Water Resources
Adjudication Claim
94-7191

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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.025 0.05 0.1 Miles

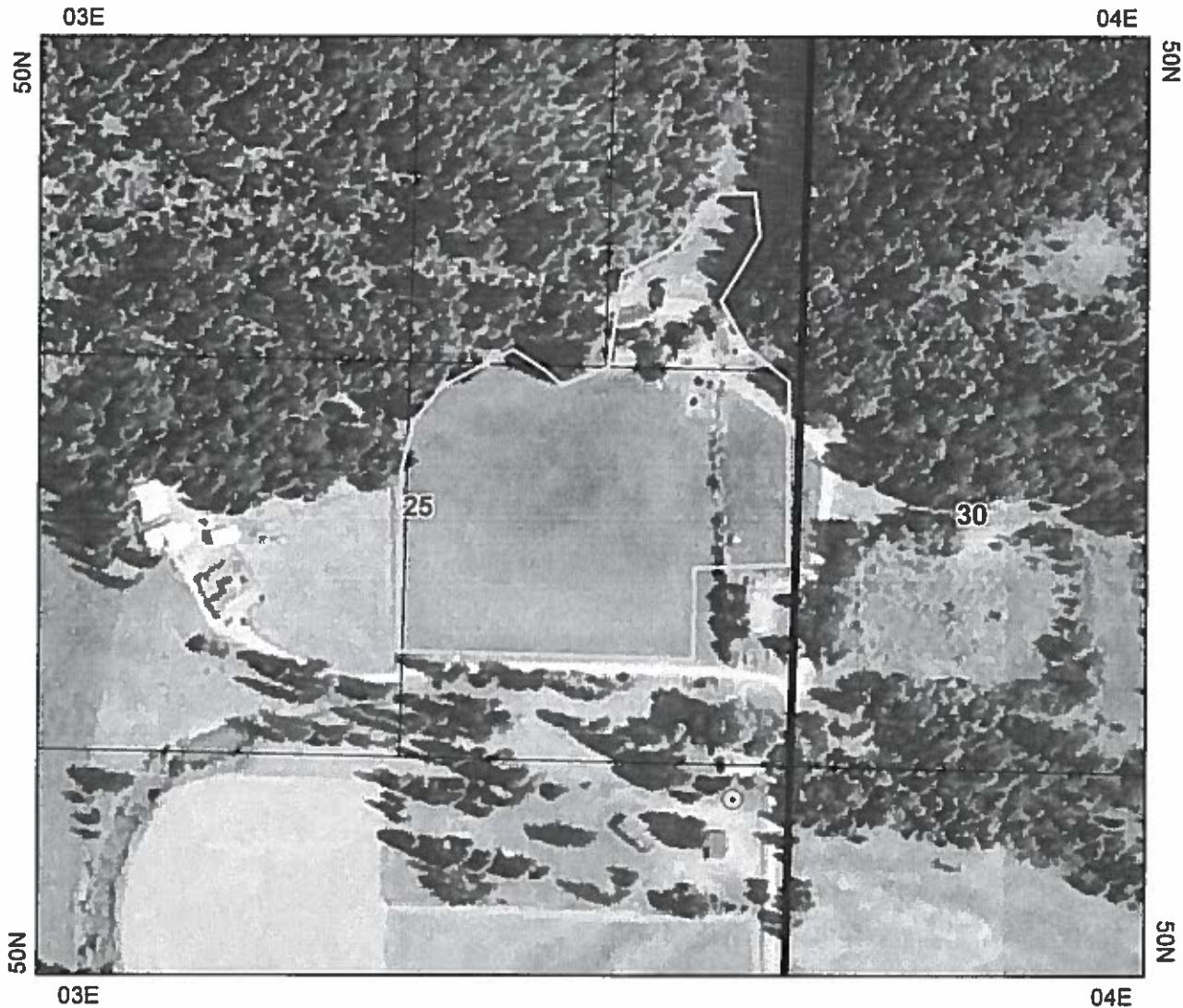
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JUN 17 2015



State of Idaho
Department of Water Resources
Adjudication Claim
94-7198

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.



- ⊙ Point of Diversion
- Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters

0 0.035 0.07 0.14 Miles

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JUN 17 2015



WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:191704

FOR VALUE RECEIVED

Donald W. Berger and Nancy L. Berger, husband and wife

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

Mark Gist and Jill Gist, husband and wife

whose current address is

SG

**21428 Coeur d'Alene River Rd.
Wallace, ID 83873**

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

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

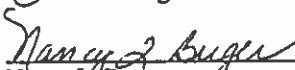
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 20, 2013



Donald W. Berger

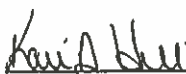


Nancy L. Berger

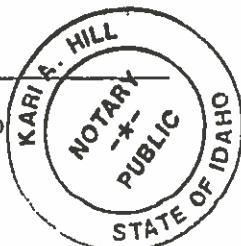
State of Idaho } ss
County of Shoshone)

On this 20th day of May, 2013, before me, Kari A. Hill, a Notary Public in and for said state, personally appeared Donald W. Berger and Nancy L. Berger, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

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



Kari A. Hill
Notary Public for the State of Idaho
Residing at: Wallace
Commission Expires: 7/14/17



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JUN 17 2015

EXHIBIT "A"

191704

PARCEL 1:

A tract of land situated in the Southeast quarter of the Northeast quarter of Section 25, Township 50 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho more particularly described as follows:

The East half Northeast quarter Southeast quarter Northeast quarter of Section 25, Township 50 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho.

And

That portion of the South half Southeast quarter Northeast quarter lying East of the monumented line disclosed in Instrument No. 302585, records of Shoshone County, State of Idaho, described as beginning at a point on the East-West Centerline from whence the East quarter Corner of Section 25, Township 50 North, Range 3 East, bears North 89°52'48" East, 657.75 feet; thence

North to the North line of the South half Southeast quarter Northeast quarter.

EXCEPT the South 210 feet of the South half Southeast quarter Northeast quarter.

ALSO EXCEPT a parcel of land located in the Northeast quarter of Section 25, township 50 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho being more particularly described as follows to-wit:

Beginning at a point whence the East quarter Corner of said Section 25 bears due South, a distance of 210.0 feet; thence

due North, a distance of 150.0 feet; thence

South 89°52'48" West, a distance of 75.0 feet; thence due South, a distance of 150.0 feet; thence

North 89°52'48" East, a distance of 75.0 feet to the place of beginning.

PARCEL 2:

A parcel of land located in the Southeast quarter of the Northeast quarter of Section 25, Township 50 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho, more particularly described as follows to-wit:

Beginning at a point whence the East quarter corner of said Section 25 bears due South, a distance of 210.0 feet; thence due North a distance of 150.0 feet; thence

South 89°52'48" West, a distance of 75.0 feet, thence due South, a distance of 150.0 feet; thence

North 89°52'48" East, a distance of 75.0 feet to the place of beginning.

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