

WALLACE & KUSTER, PLLC
ATTORNEYS AT LAW

KELLIE D. KUSTER
LICENSED IN IDAHO

2370 N. MERRITT CREEK LOOP, SUITE #1
COEUR D'ALENE, ID 83814
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KKUSTER@WALLACEANDKUSTER.COM
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RECEIVED
JAN 02 2018
IDWR/NORTHERN

December 28, 2017

State of Idaho
Department of Water Resources
ATTN: Dawn R. Lenon
Northern Region
7600 N. Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815-7763

Re: **Ownership of Water Right 95-16927**

Dear Dawn:

Please find enclosed the completed notice of change in water right ownership form together with the required conveyance document.

If you have any questions or need further information, please contact me.

Sincerely,


KELLIE D. KUSTER

ENCLOSURES

CC: MR. & MRS. MARTIN THURMAN, SR.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

JAN 02 2018

IDWR/NORTHERN

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?
95-16927	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Donald L. Scales

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Martin T. Thurman, Sr. and Lynda J. Scales-Thurman,

Co-Trustees

New owner(s) as listed on the conveyance document

Name connector

☒ and

☐ or

☐ and/or

617 E. Driftwood Ln.

Harrison

ID

83833

Mailing address

City

State

ZIP

(208) 660-7784

goldeneagle5@roadrunner.com

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: November 9, 2017

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.**

8. Signature: Lynda Scales-Thurman Co-Trustee

Signature of new owner/claimant

Title, if applicable

Date

12-19-17

Signature: [Signature] Co-Trustee

Signature of new owner/claimant

Title, if applicable

Date

12-19-2017

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____
 Approved by _____ Processed by _____ Date _____

JIM BRANNON 5 P 2620271000
KOOTENAI COUNTY RECORDER
MMS Date 11/13/2017 2:06 PM
REQ OF WALLACE AND KUSTER

RECORDING FEE: \$15.00

DD



TRUSTEE'S DEED

THIS DEED, made by RICHARD D. SCALES and LYNDIA J. SCALES-THURMAN, as Co-Trustees of TRUST "A" of the DONALD AND NELLIE GRACE SCALES FAMILY TRUST U/A 11/29/93 and reformed 07/15/11, Grantors, to MARTIN T. THURMAN, SR. and LYNDIA J. SCALES-THURMAN, as Co-Trustees of the MARTIN, SR. AND LYNDIA SCALES-THURMAN FAMILY TRUST, U/T/A dated September 26, 2017, whose current address is 617 E. Driftwood Lane, Harrison, Idaho 83833, Grantees. Grantors do hereby convey, release, remise and forever quitclaim unto Grantees all of the right, title and interest that the Grantors own or may subsequently acquire by operation of law or otherwise, in the following described real property located in Kootenai County, State of Idaho more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

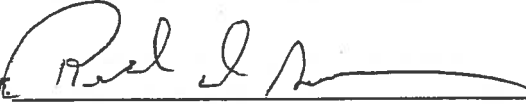
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder or remainders, rents, issues, and profits thereof, to have and to hold all and singular unto Grantees' heirs and assigns forever.

DATED this 9 day of November, 2017.

1. TRUSTEE'S DEED

[ESTATE OF DONALD L. SCALES:
CDA Lake Cabin: Harrison, ID]
{KDK00130420.DOC;1/07043.04}

TRUST "A" of the DONALD AND NELLIE
GRACE SCALES FAMILY TRUST U/A
11/29/93 and reformed 07/15/11

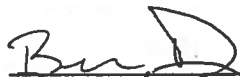
By: 
RICHARD D. SCALES, Co-Trustee

By: 
LYNDA J. SCALES-THURMAN, Co-Trustee

STATE OF IDAHO)
) ss.
County of Kootenai)

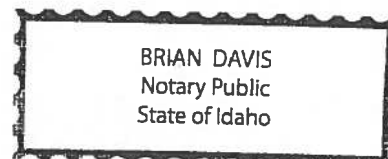
On the 9 day of November, 2017, before me, the undersigned Notary Public, personally appeared RICHARD D. SCALES, as a Co-Trustee of TRUST "A" of the DONALD AND NELLIE GRACE SCALES FAMILY TRUST U/A 11/29/93 and reformed 07/15/11, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such Co-Trustee.

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


NOTARY PUBLIC
Residing at: Kootenai County Idaho
My Commission Expires: 6-8-23

2. TRUSTEE'S DEED

[ESTATE OF DONALD L. SCALES:
CDA Lake Cabin: Harrison, ID]
{KDK00130420.DOC;1/07043.04}



STATE OF IDAHO)
) ss.
County of Kootenai)

On the 9 day of November, 2017, before me, the undersigned Notary Public, personally appeared LYND A J. SCALES-THURMAN L. SCALES, as a Co-Trustee of TRUST "A" of the DONALD AND NELLIE GRACE SCALES FAMILY TRUST U/A 11/29/93 and reformed 07/15/11, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as such Co-Trustee.

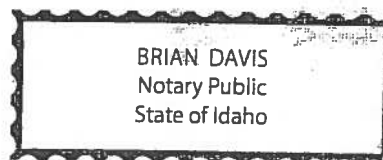
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written



NOTARY PUBLIC

Residing at: Kootenai County Idaho

My Commission Expires: 6.8.23



3. TRUSTEE'S DEED

[ESTATE OF DONALD L. SCALES:
CDA Lake Cabin: Harrison, ID]
{KDK00130420.DOC;1/07043.04}

EXHIBIT "A"

Parcel 1:

Lots 4 and 5, FIRST ADDITION TO DRIFTWOOD POINT, Kootenai County, State of Idaho, according to the plat recorded in Book "D" of Plats, page 104.

Parcel 2:

Lot 14, SECOND ADDITION TO DRIFTWOOD POINT, Kootenai County, State of Idaho, according to the plat recorded in Book "D" of Plats at page 120.

TOGETHER WITH a 1/29th interest in Tax No. 5170 described as follows:

Beginning at the East ¼ corner of Section 13, T. 49 N., Range 4 W.B.M., thence N. 1 degree 35' E. along the East line of said Section 13, 649.2 feet to a point on the North line of Highway 95A R/W, said point being the true point of beginning for the property herein described; thence S. 69 degrees 14' W. along the North line of said Highway R/W, 212.9 feet; thence N. 10 degrees 54' E. 17.0 feet to a point on the shore line of Coeur d'Alene Lake; thence N. 70 degrees E. along said shore line 215 feet more or less to a point which is N. 1 degree 35' E. of the True Point of Beginning; said point being the meander corner between said Section 13, T. 49 N. R. 4 W.B.M., and Section 18, T. 49N., R. 3 W.B.M.; thence S. 1 degree 35' W. along the East line of said Section 13. 12.0 feet to the true point of beginning. The above described property being a portion of Government Lot 1, Section 13, T. 49 N., R. 4 W.B.M., Kootenai County, Idaho together with the use of the boat dock and access thereto.

Parcel 3:

Lot 15, SECOND ADDITION TO DRIFTWOOD POINT, Kootenai County, State of Idaho, according to the plat recorded in Book "D" of Plats at page 120.

TOGETHER WITH the right of said grantees, their heirs, personal representatives, assigns and transferees to use in common with other permittees forever, the access road from Highway 95A (now known as Highway #97) as they now exist for ingress and egress and utilities on and

4. TRUSTEE'S DEED

[ESTATE OF DONALD L. SCALES:
CDA Lake Cabin: Harrison, ID]
{KDK00130420.DOC;1/07043.04}

across Government Lots 1, 2 and 3, Section 13, Township 49 North, Range 4 W.B.M., Kootenai County, State of Idaho, together with the right to improve and keep open these roads for year round travel.

TOGETHER WITH the right to use the boat dock, beach and access thereto situated adjacent to Highway 95A (now known as Highway 97) in Government Lot 1, Section 13, Township 49 North, Range 4 W.B.M., Kootenai County, State of Idaho, with a common interest therein to Tax #5170. Together with an undivided 1/29th interest in the boat dock and access thereto.

TOGETHER WITH a parcel of land, being a portion of Lot 16, Second Addition to Driftwood Point, as shown on the Plat thereof filed in Book "D" of Plats, at Page 120, Records of Kootenai County, said parcel located in Section 13, Township 49 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner, said Lot 16; thence, S 4°07' W along the westerly line thereof a distance of 67.4 feet to the True POINT-OF-BEGINNING for this description.

Thence, S 77°01'30" E, leaving said westerly line, a distance of 137.95 feet to a point on the easterly line, said Lot 16;

Thence, S 17°07' W along said easterly line a distance of 52.4 feet to the Southeast corner, said Lot 16;

Thence, N 82°43' W along the southerly line thereof a distance of 139.5 feet to the Southwest corner thereof;

Thence, N 26°20' E along the westerly line thereof a distance of 38.6 feet to an angle point in said westerly line;

Thence, N 4°27'50" E (N 4°07'E, Plat), continuing along said westerly line, a distance of 28.85 feet to the True POINT-OF-BEGINNING.

5. TRUSTEE'S DEED

[ESTATE OF DONALD L. SCALES:
CDA Lake Cabin: Harrison, ID]
{KDK00130420.DOC;1/07043.04}

AFTER RECORDING RETURN TO:
MARC E. WALLACE, P.A.
2370 N. MERRITT CK. LP., STE 1
COEUR D'ALENE ID 83814

JIM BRANNON 3P 2522140000
KOOTENAI COUNTY RECORDER Page 1 of 3
JAJ Date 11/03/2015 Time 01:53:29
REQ OF MARC E WALLACE
RECORDING FEE: \$16.00

2522140000 DD

PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION AND INDIVIDUAL DEED

THIS DEED, made by DONALD L. SCALES as Personal Representative of the Estate of NELLIE GRACE SCALES, deceased, filed as Probate Number CV 11-6042, in Kootenai County, Idaho, and DONALD L. SCALES, the surviving spouse, Grantor, to DONALD L. SCALES as Trustee of TRUST "A" for the DONALD AND NELLIE GRACE SCALES FAMILY TRUST U/A 11/29/93 and reformed 07/15/11, whose current address is 6944 N. 15th, Dalton Gardens, Idaho 83815, Grantee. Grantor does hereby remise, release and forever quitclaim unto Grantee, DONALD L. SCALES as Trustee of TRUST "A" for the DONALD AND NELLIE GRACE SCALES FAMILY TRUST U/A 11/29/93 and reformed 07/15/11, all of the right, title and interest that the Grantor owns or may subsequently acquire by operation of law or otherwise, in the following described real property in Kootenai County, State of Idaho particularly described as follows:

Lots 4 and 5, FIRST ADDITION TO DRIFTWOOD POINT,
Kootenai County, State of Idaho, according to the plat
recorded in Book "D" of Plats, page 104.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder or remainders, rents, issues, and profits thereof, to have and to hold all and singular unto Grantee's heirs and assigns forever.

1. PERSONAL REPRESENTATIVE'S DEED OF
DISTRIBUTION AND INDIVIDUAL DEED

[ESTATE OF NELLIE GRACE SCALES:
CDA Lake Cabin: 617 E. Driftwood Ln., Harrison, ID]
{VAN00118389.DOC;1/07043.03}

EXECUTED this 29 day of Oct, 2015.

Donald L. Scales

DONALD L. SCALES,
Surviving Spouse

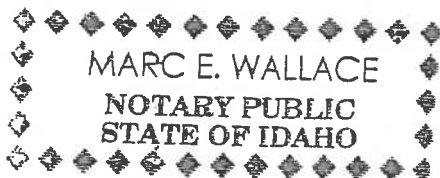
Donald L. Scales

DONALD L. SCALES, as Personal
Representative of the Estate of Nellie Grace
Scales, deceased

STATE OF IDAHO)
) ss.
County of Kootenai)

On the 29 day of October, 2015, before me,
the undersigned Notary Public, personally appeared DONALD L. SCALES, known or
identified to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the 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



Marc E. Wallace

Notary Public for the State of Idaho
Residing at Hayden Lake
Comm. Exp.: 08/20/17

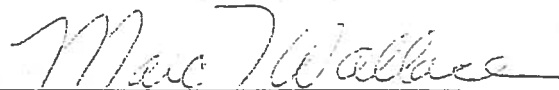
2. PERSONAL REPRESENTATIVE'S DEED OF
DISTRIBUTION AND INDIVIDUAL DEED

[ESTATE OF NELLIE GRACE SCALES:
CDA Lake Cabin: 617 E. Driftwood Ln., Harrison, ID]
{VAN00116389.DOC;1/07043.03}

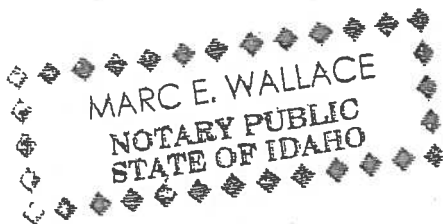
STATE OF IDAHO)
) ss.
County of Kootenai)

On the 29 day of October, 2015, before me,
the undersigned Notary Public, personally appeared DONALD L. SCALES, known or
identified to me to be the person whose name is subscribed to the within instrument as
Personal Representative of the Estate of NELLIE GRACE SCALES, and acknowledged to
me that he executed the same as such Personal Representative.

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



Notary Public for the State of Idaho
Residing at Hayden Lake
Comm. Exp.: 08/20/17



3. PERSONAL REPRESENTATIVE'S DEED OF
DISTRIBUTION AND INDIVIDUAL DEED

[ESTATE OF NELLIE GRACE SCALES:
CDA Lake Cabin: 617 E. Driftwood Ln., Harrison, ID]
{VAN00118389.DOC;1/07043.03}