



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 28, 2018

RE: Notice of Error Reply 95-7153

Dear Mr. De Smet:

I received your letter regarding the changes to be made on the above water right for Alfred and Debra Robello. Unfortunately, the Trustee's Deed of Distribution you enclosed is for the wrong parcel. Therefore, I am returning the paperwork to you.

The parcel associated with this water right, LAKE PARK ACRE TRACTS, LT 18, W2-LT 19 Section 36 Township 53N Range 05W, looks to have changed ownership to Debra S Robello Trust. For your convenience, I have included a Notice of Change in Water Right Ownership form.

As soon as I receive the above mentioned document, I will be more than happy to make the changes.

If you have any questions, please feel free to call.

Sincerely,

Dawn R. Lenon
Technical Records Specialist I

Enclosure(s): Notice of Change in Water Right Ownership 95-7153

RAMSDEN, MARFICE, EALY & HARRIS, LLP

ATTORNEYS AT LAW

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COEUR D'ALENE, ID 83814

ALL ATTORNEYS LICENSED IN IDAHO
* LICENSED IN WASHINGTON
† LICENSED IN MONTANA

RECEIVED

MAR 07 2013

IDWR/NORTH

March 5, 2018

IDWR Regional Office
7600 N. Mineral Sr., Ste. 100
Coeur d'Alene, ID 83815-7763

Re: *Water Right Adjudication: Notice of Error-Right Number 95-7153*

Dear Director:

I represent Aaron Robello and Angela Robello as owners of the real property connected with preliminary water right recommendation number 95-7153. I am writing to provide Notice of Error and request for change in accordance with items 1, 2 and 3 of the Notice of Error Reply.

1. The names associated with property ownership and appurtenant water rights need to be changed.
2. The owners of the water rights need to be changed to the following:
 - a. Debra Robello (life tenant), 1307 Scott Street, Unit D, Petaluma, CA 94954; and
 - b. Aaron Robello, 100 10th Street, Petaluma, CA 94952; and
 - c. Angela Robello, 1385 Mountain View Avenue, Petaluma, CA 94952.
3. Alfred Robello is deceased. By virtue of the *attached* "Trustee's Deed of Distribution (Granting a Life Estate)", of August 11, 2017, recorded in the records of Kootenai County, Idaho as Instrument No. 2607400000, on August 14, 2017, Aaron Robello and Angela Robello are the owners of the real property, subject to a life estate in favor of Debra Robello. The preliminary water right recommendation should be revised to reflect the current ownership interests in the real property.

If you would kindly revise the preliminary recommendation and resubmit the same for review, it would be greatly appreciated.

Please contact me if you wish to discuss the matter.

Sincerely,



Theron De Smet

TJD/nr

cc: Paul Daugharty

RECEIVED

MAR 07 2018

02/09/2018

IDWR / NORTH

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 30, 2018

Water right number: 95-7153

ALFRED ROBELLO
1307 SCOTT ST
UNIT D
PETALUMA CA 94954
Telephone Number: 7077625323

DEBRA ROBELLO
1307 SCOTT ST
UNIT D
PETALUMA CA 94954
Telephone Number: 7077625323

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

See attached.

2. Describe the changes you wish to make in the proposed recommendation:

See attached.

3. Give a brief explanation as to why you disagree with these portions:

See attached.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/5/18

SIGNATURE: *[Signature]*

Please print your name:

Theron J. DeSmet, agent

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D'ALENE, ID 83815-7763, (208) 762-2800

RECEIVED

MAR 07 2018

02/09/2018

IDWR / NORTH IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-7153
NAME AND ADDRESS: ALFRED ROBELLO
1307 SCOTT ST
UNIT D
Petaluma CA 94954

DEBRA ROBELLO
1307 SCOTT ST
UNIT D
Petaluma CA 94954

SOURCE: TWIN LAKES

TRIBUTARY: RATHDRUM CREEK

QUANTITY: 0.020 CFS
1.20 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/17/1971

POINT OF DIVERSION: T53N R05W S36 NWSW Lot 4 Within KOOTENAI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS 1.20 AFY
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC in KOOTENAI County
T53N R05W S36 Lot 4 NWSW

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM Decreed

Parcel No. 04600000018A

Property is also known as Lot 18 and West 1/2 Lot 19, Lake Park Acre Tracts.

Right Nos. 95-7141, 95-7153 and 95-7418 are diverted through the point of diversion described above.

This right originated as all or part of Right No. 95-7153 in the Final Decree, In the Matter of the General Determination of the Rights to the Use of the Surface Waters of Twin Lakes, Including Tributaries and Outlets, Case No. 32572 (1st Jud. Dist. Ct. April 20, 1989).

After Recording Return To:

Paul W. Daugharty
PAUL W. DAUGHARTY, P.A.
110 E. Wallace Ave.
Coeur d'Alene, Idaho 83814

TRUSTEE'S DEED OF DISTRIBUTION
(Granting a Life Estate)

FOR VALUE RECEIVED, DEBRA S. ROBELLO, as sole and surviving Trustee of THE ROBELLO FAMILY TRUST dated July 10, 2004, the Grantor, does hereby release, remise, and forever quit claim unto AARON ROBELLO, whose address is 100 10th Street, Petaluma, CA 94952, as his sole and separate property as to an undivided 51% interest, and ANGELA ROBELLO (a/k/a Angela Crockett), whose address is 1385 Mountain View Avenue, Petaluma, CA 94952, as her sole and separate property as to an undivided 49% interest, as tenants in common and *not* as joint tenants with right of survivorship, the Grantees, and to Grantees' heirs and assigns forever, the following described premises to wit, situated in Kootenai County, State of Idaho, together with all after acquired title of the Grantor therein:

Lot 2, Block B First Addition to Lake Park, Kootenai County, State of Idaho, according to the plat recorded in the office of the County Recorder of Kootenai County, Idaho, in Book "C" of Plats, Page 103.

SUBJECT TO taxes and assessments for the year 2017, and all subsequent years, together with any and all existing easements, rights of way, reservations, restrictions and encumbrances of record, to any existing tenancies, including the life estate granted and conveyed to DEBRA S. ROBELLO, individually, herein, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

THIS CONVEYANCE IS MADE SUBJECT TO a life estate in the aforementioned property, which is granted and conveyed to DEBRA S. ROBELLO, an unmarried woman, whose address is 123½ Wilson Street, Petaluma, CA 94952. Said life estate shall entitle DEBRA S. ROBELLO to exclusive use and occupancy of the property so long as she shall live and she complies with the following conditions:

- (1) Property taxes and assessments are kept current;
- (2) There is not substantial deterioration in the level of maintenance of the home and property compared to their condition at the time of ALFRED J. ROBELLO's death. Provided, further, DEBRA S. ROBELLO shall be deemed to be in compliance with this condition even if there is substantial deterioration if it is

