

RECEIVED**MAY 11 2018****IDWR/NORTHERN**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?
95-10821	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: STONEY MALLORY
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): JOHN + JUDITH TUSTISON LIVING TRUST
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- P.O. BOX 984 ATHOL ID 83801
Mailing address City State ZIP
- 208 683 9050 JohnTustison@hotmail.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: SEPT 2009
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: John Tustison 5-11-2018
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by N/A Date N/A Receipt No. N/A Receipt Amt. N/A

Approved by SK Processed by SK Date 6-14-2018

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:First American Title Company
1866 North Lakewood Drive
Coeur d'Alene, ID 83814

DANIEL J. ENGLISH 3P I 2228801000
KOOTENAI CO. RECORDER Page 1 of 3
AAA Date 08/24/2009 Time 11:07:30
REC-REQ OF FIRST AMERICAN TITLE COM
RECORDING FEE: 9.00
2228801000 DD

DANIEL J. ENGLISH 3P I 2233528000
KOOTENAI CO. RECORDER Page 1 of 3
BBB Date 09/24/2009 Time 15:53:07
REC-REQ OF FIRST AMERICAN TITLE COM
RECORDING FEE: 9.00
2233528000 DD

RE-RECORDING TO CORRECT LEGAL.

Space Above This Line for Recorder's Use Only

WARRANTY DEEDFile No.: **308052-PF (js)**Date: **August 19, 2009**

For Value Received, **Stoney A. Mallory and Dorie L. Mallory, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **John H. Tustison and Judith E.**

Tustison, husband and wife, hereinafter called the Grantee, whose current address is

5130 N. 47th St. Tacoma WA
98407, the following described premises, situated in **Kootenai** County, **Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

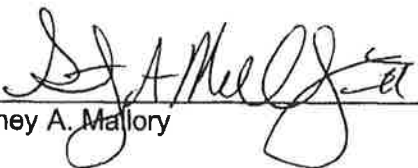
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: **08/19/2009**

Warranty Deed
- continued

File No.: **308052-PF (Js)**



Stoney A. Mallory



Dorie L. Mallory

STATE OF Idaho)
SS.
COUNTY OF Kootenai)

On this **Twenty-fourth day of August, 2009**, before me, a Notary Public in and for said State, personally appeared **Stoney A. Mallory and Dorie L. Mallory**, 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 the same.





Notary Public for the State of Idaho
Residing at: Hauser, ID
My Commission Expires: 02/24/2010

Date: 08/19/2009

Warranty Deed
- continued

File No.: 308052-PF (js)

EXHIBIT A

That portion of the Northeast quarter of Section 21, Township 53 North, Range 3 W.B.M., Kootenai County, State of Idaho, described as follows:

Beginning at a point 25 feet North of the Southwest corner of the Northeast quarter of said Section; thence

North along the West line of the Northeast quarter, a distance of 1306.16 feet; thence —
365.01

North 89°56'35" East, a distance of ~~1460.04~~ feet; thence —

South 1303.82 feet to a point being 25 feet North of the South line of the Northeast quarter of said Section; thence —

West along a line 25 feet North of and parallel to the South line of the Northeast quarter to the True Point of Beginning.



RECORDING REQUESTED BY AND MAIL TO:
Callahan & Associates, Chtd.
PO Box 2226
Coeur d'Alene ID 83816-2226

RECORDING FEE: \$13.00 DD
Electronically Recorded

WARRANTY DEED

JOHN H. TUSTISON and JUDITH E. TUSTISON, husband and wife, do hereby grant, convey and transfer to JOHN H. TUSTISON and JUDITH E. TUSTISON, as TRUSTEES, or their successors, JOHN AND JUDITH TUSTISON LIVING TRUST, all of their REAL PROPERTY interest now held or hereafter acquired in the following described real property:

Parcel 1

The East 95.5 Feet of the West 304.21 Feet of the North 208.71 Feet of Tract 234, HAYDEN LAKE IRRIGATED TRACTS, according to the plat recorded in Book C of Plats at Page 66 and 67, records of Kootenai County, Idaho.

Parcel 2

See Exhibit A attached hereto and incorporated herein by reference.

To have and hold the said REAL PROPERTY as TRUSTEE. Grantor will warrant and defend the above-described real property against all claims and demands whatsoever, except such rights, easements, covenants, restrictions, health or zoning regulations and assessments as appear of record or use upon the premises. The Grantor of this deed is also the beneficiary of the JOHN AND JUDITH TUSTISON LIVING TRUST. The address of the grantee is PO Box 984, Athol, ID 83801.

Dated this 14th day of May, in the year 2015.

John H. Tustison
JOHN H. TUSTISON

Judith E. Tustison
JUDITH E. TUSTISON

STATE OF IDAHO
COUNTY OF KOOTENAI

On this 14 day of May, in the year 2015, before me the undersigned Notary Public in and for the State of Idaho, personally appeared JOHN H. TUSTISON and JUDITH E. TUSTISON, husband and wife, known to me to be the persons whose names are subscribed herein, and acknowledged to me that they executed the same.

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



[Signature]
Notary Public for Idaho
Comm. Exp.: 1/14/21

Exhibit A

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South 1303.82 feet to a point being 25 feet North of the South line of the Northeast quarter of said Section; thence

West along a line 25 feet North of and parallel to the South line of the Northeast quarter to the True Point of Beginning.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763

Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

June 14, 2018

JOHN & JUDITH TUSTISON LIVING TRUST
PO BOX 984
ATHOL ID 83801-0984

Re: Change in Ownership for Water Right No(s): 95-10821

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) 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) 762-2808.

Sincerely,

Dawn Lenon
Technical Records Specialist I

Enclosure(s) Notice of Claim 95-10821