

RECEIVED**MAY 18 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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
95-13312	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Cecil Schertz & Audrey Schertz

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Cecil and Audrey Schertz Living Trust

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or1235 W Palouse DrPost Falls

ID

83854

Mailing address

City

State

ZIP

208-691-6539BandTSchertz@gmail.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: 01-29-17

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Bryanna Schertz
 Signature of new owner/claimant

Trustee

Title, if applicable

05-16-18

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

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by ib Processed by ib Date 6-15-2018

SECOND AMENDMENT TO THE
AMENDED AND RESTATED TRUST AGREEMENT

The SETTLORS, CECIL V. SCHERTZ and AUDREY L. SCHERTZ, hereby amend the provisions of the CECIL AND AUDREY SCHERTZ LIVING TRUST, under agreement dated March 28, 1997, as amended and restated in full on July 21, 2010, as amended June 12, 2014, as herein provided.

The SETTLORS hereby amend the TRUST AGREEMENT by the complete deletion of the text of the Article entitled 1.9 SPECIFIC DISTRIBUTION OF REAL PROPERTY and its replacement by new text under the same Article title as follows:

1.9 SPECIFIC DISTRIBUTION OF REAL PROPERTY

At the time of execution of this TRUST AGREEMENT, the SETTLORS conveyed to the TRUSTEE to have and hold In Trust all of the SETTLORS' right, title and interest in and to the following described parcels of real property, to wit:

The North 240 feet of the Northwest Quarter of the Northwest Quarter of Section 32, Township 52 North, Range 4 W.B.M., Kootenai County, Idaho, EXCEPT any portion lying within State Highway 53, AND EXCEPT any portion lying within Meyers Road.

Upon the death of CECIL V. SCHERTZ, the TRUSTEE shall hold all of the right, title and interest held by the TRUSTEE in and to the above-described real property In Trust for the benefit of AUDREY L. SCHERTZ, to be held and administered under the provision entitled "RESIDENCE TRUST". Upon the death of AUDREY L. SCHERTZ, the above-described property shall be held In Trust under the provision entitled CHILDREN'S TRUST for the benefit of the following:

- 10% percent interest to DEBBIE SCHMEPT;
- 30% percent interest to BRYAN WADE SCHERTZ;
- 30% percent interest to MARY M. WEST; and

30% percent interest to CHRISTI J. DAHGREN.

The amendment provided above is hereby incorporated in the TRUST AGREEMENT of the CECIL AND AUDREY SCHERTZ LIVING TRUST effective immediately upon execution of this document by the SETTLORS.

The SETTLORS hereby amend the TRUST AGREEMENT by the complete deletion of the text of the Article 1.10 DISTRIBUTING THE TRUST PROPERTY AT CECIL V. SCHERTZ's DEATH and its replacement by new text under the same Article title as follows:

1.10 DISTRIBUTING THE TRUST PROPERTY AT CECIL V. SCHERTZ's DEATH

Upon the death of CECIL V. SCHERTZ, and after first paying all taxes and expenses and making all specific distributions of trust property, the SUCCESSOR TRUSTEE shall:

If AUDREY L. SCHERTZ survives me, continue to hold my interest in any community property and all my separate property In Trust, administered under the provision entitled DISCLAIMER TRUST for the sole benefit of AUDREY L. SCHERTZ. Upon the death of AUDREY L. SCHERTZ, the SUCCESSOR TRUSTEE shall distribute my interest in any remaining community property and any remaining separate property as if AUDREY L. SCHERTZ had not survived me.

If AUDREY L. SCHERTZ does not survive me, or upon the death of AUDREY L. SCHERTZ, hold my interest in any community property and any remaining separate property (or the FAMILY TRUST if established) In Trust under the provision entitled CHILDREN'S TRUST, as soon as reasonably practical, without the necessity of approval from anyone or any court for the benefit of:

10% percent interest to DEBBIE SCHMEPT;

30% percent interest to BRYAN WADE SCHERTZ;

30% percent interest to MARY M. WEST; and

30% percent interest to CHRISTI J. DAHGREN.

The amendment provided above is hereby incorporated in the TRUST AGREEMENT of the CECIL AND AUDREY SCHERTZ LIVING TRUST effective immediately upon execution of this document by the SETTLORS.

The SETTLORS hereby amend the TRUST AGREEMENT by the addition of an Article entitled 4.6 CHILDREN'S TRUST with text as follows:

4.6 CHILDREN'S TRUST

The SUCCESSOR TRUSTEE shall retain, as designated by the SETTLORS, In Trust, the share designated by the SETTLORS as a separate trust for each beneficiary (hereafter, CHILD) based on the percentages designated, and administer such trust as provided herein.

(1) The trust shall be referred to as "(the CHILD's name) TRUST". The trust shall have a principal place of administration in the state and county of the residence of the trustee, or as otherwise designated by the trustee from time to time. The trustee of this sub-trust shall be the SUCCESSOR TRUSTEE of this TRUST, or any other person or qualified corporate entity designated by the SUCCESSOR TRUSTEE.

(2) The trustee shall manage and invest the trust property for growth and to produce income for the benefit of the CHILD. The trustee shall distribute the net income to the CHILD in convenient periodic installments on a quarter-annual basis or otherwise as directed by the CHILD, provided, all net income shall be distributed no less frequently than on an annual basis. Each year, beginning with the year of my death, my Trustees shall withdraw from any Deferrable Retirement Benefit the Minimum Required Distribution for such Deferrable Retirement Benefit for such year, plus such additional amount or amounts as the Trustee deems advisable in its sole discretion. All amounts so withdrawn (net of expenses properly charged thereto) shall be distributed to the Beneficiary, if the Beneficiary is then living.

(3) The trustee shall make no distributions of principal.

(4) The CHILD shall not have any general or limited power of appointment over any trust property. Except as otherwise provided herein, all payments of principal and income

payable, or to become payable, hereunder shall not be subject to anticipation, assignment, pledge, sale, or transfer in any manner, nor shall any said settlor, beneficiary or remainderman have the power to anticipate or encumber such interest, nor shall such interest, while in the possession of the TRUSTEE, be liable for, or subject to, the debts, contracts, obligations, liabilities or torts of any settlor, beneficiary or remainderman.

(5) Upon the death of the CHILD, the remaining Trust Estate shall be distributed on a pro rata basis to the surviving shares of the other beneficiaries. When there is no surviving beneficiary, the remaining trust estate shall be distributed to Officers Without Legal Standing, of Coeur d'Alene, Idaho.

The amendment provided above is hereby incorporated in the TRUST AGREEMENT of the CECIL AND AUDREY SCHERTZ LIVING TRUST effective immediately upon execution of this document by the SETTLORS.

The amendments made to the CECIL AND AUDREY SCHERTZ LIVING TRUST are enforceable immediately on the date of execution of these AMENDMENTS TO TRUST.

DATED this 15 day of October, in the year 2014.



CECIL V. SCHERTZ, SETTLOR and TRUSTEE



AUDREY L. SCHERTZ, SETTLOR and TRUSTEE

STATE OF IDAHO

COUNTY OF Kootenai

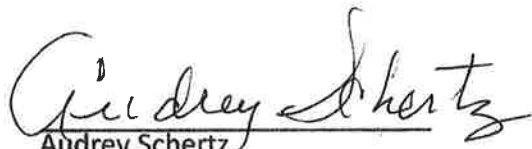
On this 15 day of October, in the year 2014, before me, a Notary Public in and for the State of Idaho, personally appeared CECIL V. SCHERTZ and AUDREY L. SCHERTZ, husband and wife, known to me to be the persons who subscribed their names to the within instrument, and acknowledged to me that they executed the same in their capacities as SETTLOR and TRUSTEE.

WITNESS my hand and official seal.




Notary Public for Idaho
Comm. Exp. 1/12/15

I, Audrey Schertz, decline to act as Agent on established Power of Attorney and resign the trust as the Trustee. From this point on Bryan Schertz will assume this position.


Audrey Schertz

April 11, 2016

MICHELE L. LENIUS
Notary Public
State of Idaho

Michele J Lenius
Notary Public, ID
exp 2/9/2019

WELLS
FARGO

Acknowledgment by Individual

State of

Idaho

County of

Kootenai

On this

12th

day of

April

, 20

16

before me,

Tiffany Abel

Name of Notary Public

the undersigned Notary Public, personally appeared

Cecil Schertz

Name of Signer(s)

☐ Proved to me on the oath of _____

☐ Personally known to me

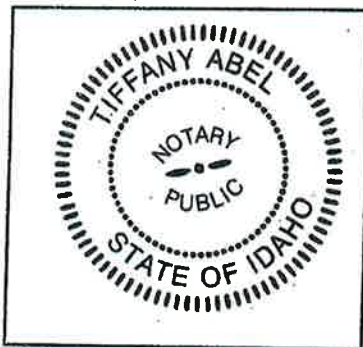
☒ Proved to me on the basis of satisfactory evidence

IDAHO ID CARD

(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Notary Seal

[Signature]

(Signature of Notary Public)

My commission expires

08/01/2020

Optional: A thumbprint is only needed if state statutes require a thumbprint.

Right Thumbprint
of Signer

Top of thumb here

Description of Attached Document

Type or Title of Document

Letter of Resignation as Trustee

Document Date

4/12/16

Number of Pages

1

Signer(s) Other Than Named Above

None

Scanner Enabled Stores should scan this form
Manual Submission Route to Deposit Operations

DS05350 (Rev00-07/14)



FO01-00000DSG5350-01

I, Cecil Schertz, decline to act as Agent on established Power of Attorney and resign the trust as the Trustee. From this point on Bryan Schertz will assume this position.


Cecil Schertz

April 11, 2016
12 CVS

1484495

REAL PROPERTY DEED TO TRUST

CECIL VERNON SCHERTZ and AUDREY LOUISE SCHERTZ, husband and wife,
do hereby grant and convey for valuable consideration to the TRUSTEE, CECIL AND
AUDREY SCHERTZ LIVING TRUST, all of their REAL PROPERTY interest now held or
hereafter acquired in the following described real property:

The North 240 feet of the Northwest quarter of the
Northwest quarter of Section 32, Township 52
North, Range 4 West, Boise Meridian, Kootenai
County, Idaho, EXCEPT any portion lying within
State Highway #53, AND EXCEPT any portion
lying within Meyers Road.

To have and hold the said REAL PROPERTY as TRUSTEE.

The TRUSTEE is CECIL VERNON SCHERTZ and AUDREY LOUISE SCHERTZ.

The short name and Trust address of the grantee Trust is the SCHERTZ LIVING
TRUST, 1214 Shorewood Court, Coeur d'Alene, Idaho 83814.

Dated this 28 day of March, in the year 1997.


CECIL VERNON SCHERTZ


AUDREY L. SCHERTZ

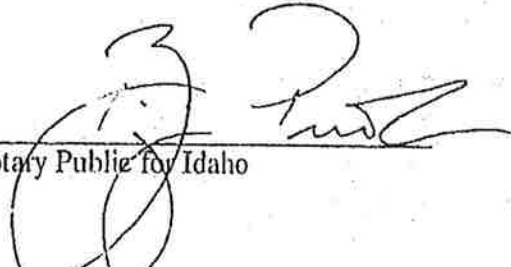
STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
AT THE REQUEST OF
The Prohaska Law Firm, P.A.
MAR 28 2 54 PM '97
DANIEL J. ENGLISH
DEPUTY
FEE\$ 6.00

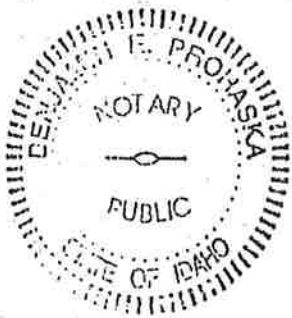
STATE OF IDAHO

COUNTY OF KOOTENAI

On this 28 day of March, in the year 1997, before me the undersigned Notary Public in and for the State of Idaho, personally appeared CECIL VERNON SCHERTZ and AUDREY LOUISE SCHERTZ, 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.


Notary Public for Idaho



EXPIRES 04/18/99

1484495



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

June 15, 2018

CECIL & AUDREY SCHERTZ LIVING TRUST
C/O BRYAN W SCHERTZ
1235 W PALOUSE DR
POST FALLS ID 83854-6224

SUBJECT: Ownership Change on Notice of Claim Number(s) 95-13312

Dear Mr. Schertz:

We have processed your change of ownership request on the Notice of Claim to a Water Right Number(s) listed above. Enclosed is a copy of the claim showing such change; for your records. Also, this information can be accessed on our website at www.idwr.idaho.gov.

Sincerely,

Dawn R. Lenon
Technical Records Specialist 1

Enclosure(s) Notice of Claim 95-13312