

RECEIVED

AUG 24 2021

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?
94-7289	Yes ☐	Yes ☐		Yes ☐	Yes ☐
94-9115	Yes ☐	Yes ☐		Yes ☐	Yes ☐
94-9116	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

WHEELER LIVING TRUST
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

TIMOTHY O'BRIEN LYN FITZPATRICK
New owner(s) as listed on the conveyance documentName connector ☒ and ☐ or ☐ and/or

33716 S. BENEWAH RD

HARRISON

ID

83833

Mailing address

City

State

ZIP

970-471-0381

OBRIENWW@AOL.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: 10-27-2020

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.

SUPPORT DATA

IN FILE # 94-7289

8. Signature:

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 Jan

Date 8-24-21

Receipt No. N037303

Receipt Amt. 75⁰⁰Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

NS

8-24-21

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
831 Main Avenue
St. Maries, ID 83861

RECEIVED
2021 Mar 26 PM 04 00
BENEWAH COUNTY
DEANNA BRAMBLETT, CLERK
290594
FIRST AMERICAN TITLE - SAINT MARIES ES
FEES: \$ 15.00
FEE: \$ 10.00

Rerecorded to correct the legal
description see Exhibit A

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **936145-SM (ps)**

Date: **October 27, 2020**



For Value Received, **Marvin L Wheeler and Mary Ann Wheeler, Trustees, or their successors in trust, of the Wheeler Living Trust, dated June 04, 2015, and any amendments thereof,** hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Timothy J. O'Brien, an unmarried man and Lyn A. Fitzpatrick, an unmarried woman,** hereinafter called the Grantee, whose current address is **33716 S Benewah Road, Harrison, ID 83833,** the following described premises, situated in **Benewah 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.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
831 Main Avenue
St. Maries, ID 83861

RECEIVED
2020 Nov 06 PM 04 48
BENEWAH COUNTY
DEANNA BRAMBLETT, CLERK
288948
FIRST AMERICAN TITLE - SAINT MARIES
FEES:\$ 15.00

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RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company

831 Main Avenue

St. Maries, ID 83861

**ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.**

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File No.: **936145-SM (ps)**

Date: **October 27, 2020**

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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: **10/27/2020**

Warranty Deed
- continued

File No.: **936145-SM (ps)**

Marvin L Wheeler and Mary Ann Wheeler,
Trustees; or their successors in trust, of the
Wheeler Living Trust, dated June 04, 2015, and
any amendments thereof

Marvin L. Wheeler

Marvin L. Wheeler, Trustee

Mary Ann Wheeler

Mary Ann Wheeler, Trustee

STATE OF Idaho)
COUNTY OF Benewah)
ss.

On this **Sixth day of November, 2020**, before me, a Notary Public in and for said State, personally appeared **Marvin L Wheeler and Mary Ann Wheeler**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Wheeler Living Trust** ~~Trust~~ and acknowledged to me that they executed the same as such Trustees.

Pamela Shawver

Notary Public of Idaho
Residing at: St Maries ID
Commission Expires: 1-20-2022

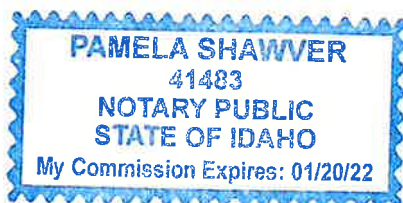


EXHIBIT A

A part of the NE ¼ Section 32, Township 47 North, Range 3 West, Boise Meridian, Benewah County, Idaho, more particularly described as follows:

COMMENCING at the East ¼ section corner of said section, monumented with an iron pipe, 2 inches diameter, with a brass cap, 2-½ inches diameter, marked PLS 703, from which the North 1/16 section corner, common to said section 32 and section 33 (the Northeast corner of Government Lot 6 said section), monumented with an iron rod, ½ inch diameter, with a plastic cap marked PE/LS 3451, bears North 0°04'00" West 1324.84 feet (of record as North 0°04'00" West 1324.65 feet and North 0°04'00" West 1311.38 feet) distant;

thence North 0°04'00" West 662.42 feet (of record as North 0°04'00" West) along the East line of said NE¼ to the Southeast corner of the North ½ of the East 375.14 feet, of said Government Lot 6 said corner monumented with an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766 the POINT OF BEGINNING;

thence North 88°46'36" West 271.82 feet along the South line of said North ½ of the East 375.14 feet of said Government Lot 6 and leaving said East line to a point on the westerly right-of-way line of that easement, according to the deeds recorded, as Instrument No. 254183 and Instrument No. 254184, records of said County, said point monumented with an iron rod 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence traversing said westerly right-of-way line, and leaving said South line, as follows:

North 6°30'00" West 7.94 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 0°30'00" West 41.03 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence 78.93 feet along the arc of a 135.00 foot radius curve left, through a central angle of 33°30'00" said curve having a chord bearing North 17°15'00" West 77.81 feet distant to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 34°00'00" West 38.59 feet to an iron rod, 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766;

thence 41.28 feet along the arc of a 215.00 foot radius curve right, through a central angle of 11°00'00", said curve having a chord bearing North 28°30'00" West 41.21 feet distant to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 23°00'00" West 11.53 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence continuing North 23°00'00" West 90.34 feet to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence 27.35 feet along the arc of a 25.00 foot radius curve left, through a central angle of 62°40'22", said curve having a chord bearing North 54°20'11" West 26.00 feet distant to a point on the East line of LOT 3 UPPER LAKE TRACTS, according to the plat, filed June 26, 1967, records of said County, said point monumented with an iron rod 5/ 8 inch diameter, with a plastic cap marked PLS 6766;

thence leaving said westerly right-of-way line, and traversing the East line of said plat as follows:

North 1°26'56" West 95.00 feet (of record as North 0°04' West) to the Southeast corner of LOT 2 said plat, said corner monumented with an iron rod 3/8 inch diameter;

thence North 1°30'25" West 86.99 feet (of record as North 0°04' West 87.00 feet) to the Southeast corner of LOT 1 said Plat, said corner monumented with an iron rod, 5/8 inch diameter with a plastic cap marked PLS 6766;

thence North 1°30'25" West 119.98 feet (of record as North 0°04' West 120.00 feet) to the Northeast corner of said LOT 1 said corner monumented with an iron rod, 3/8 inch diameter;

thence South 83°09'21" West 360.00 feet (of record as South 85°12' West 360.00 feet) and leaving said East line, along the North line of said LOT 1 to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence continuing South 83°09'21" West 89.12 feet to an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked WITNESS CORNER - PLS 6766;

thence continuing South 83°09'21" West 20.00 feet to a point on the approximate normal pool or summer storage level line of COEUR D'ALENE LAKE, said point being witnessed by the aforementioned monument;

thence traversing along said approximate normal pool or summer storage level line, the meanders of which are as follows:

North 5°45'00" West 8.35 feet;

thence North 8°15'00" West 53.00 feet;

thence North 3°15'00" West 68.78 feet to a point on the North line of said Government Lot 6;

thence South 88°45'30" East 20.00 feet, and leaving said normal pool or summer storage level line, along said North line to an iron rod, 5/ 8 inch diameter, with an aluminum cap, 2 inches diameter, marked WITNESS CORNER - PLS 6766, witnessing the aforementioned point;

thence continuing South 88°45'30" East 98.50 feet along said North line to an iron rod, 1/2 inch diameter, with a plastic cap marked PE/LS 3451;

thence continuing South 88°45'30" East 765.16 feet (of record as South 88°45'03" East 764.95 feet) along said North line to said North 1/16 section corner, common to said section

Date: 10/27/2020

Warranty Deed
- continued

File No.: 936145-SM (ps)

~~32 and section 33 (the Northeast corner of said Government Lot 6), monumented with an iron rod;~~

~~1/2 inch diameter, with a plastic cap marked PE/LS 3451;~~

~~thence South 0°04'00" East 662.42 feet (of record as South 0°04'00" East), and leaving said North line along the East line of said NE 1/4 to the POINT OF BEGINNING.~~

~~ALSO EXCEPTING THEREFROM existing roads and rights-of-way.~~

Date: **10/27/2020**

Warranty Deed
- continued

File No.: **936145-SM (ps)**

Marvin L. Wheeler and Mary Ann Wheeler,
Trustees, or their successors in trust, of the
Wheeler Living Trust, dated June 04, 2015, and
any amendments thereof



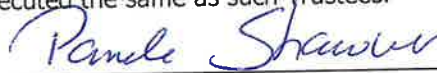
Marvin L. Wheeler, Trustee



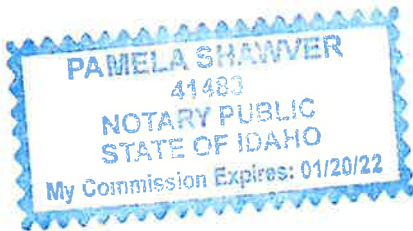
Mary Ann Wheeler, Trustee

STATE OF Idaho)
COUNTY OF Benewah)
ss.

On this **Twenty-Sixth day of March, 2021**, before me, a Notary Public in and for said State, personally appeared **Marvin L. Wheeler and Mary Ann Wheeler**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Wheeler Living Trust** Trust, and acknowledged to me that they executed the same as such Trustees.



Notary Public of Idaho
Residing at: St Maries ID
Commission Expires: 1-20-2022



Date: **October 27, 2020**

File No.: **936145-SM (ps)**

EXHIBIT 'A'

LEGAL DESCRIPTION:

All of Lot One (1) and Two (2) of Upper Lake Tracts, being a part of Lot Six (6), Section Thirty-two (32), Township Forty-seven (47) North, Range Three (3) West, Boise Meridian.

AND

That portion of Lot Three (3), Upper Lake Tracts lying East of the existing County road which traverses said Lot 3, and that portion of Lot One (1), Upper Lake Tracts lying West of the existing County road which traverses said Lot 1, said properties being a part of Lot Six (6), Section Thirty-two (32), Township Forty-seven (47) North, Range Three (3) West, Boise Meridian

EXCEPT

A parcel of land in Government Lot Six (6), Section Thirty-two (32), Township Forty-seven (47) North, Range Three (3) West, Boise Meridian, more particularly described as follows:

Commencing at a point which is the Northeast corner of Lot Four (4), Upper Lake Tracts, according to the recorded plat thereof; then N 85°12' E a distance -of fourteen (14) feet, more or less, to the West right-of-way line of the existing roadway; thence southeasterly along said right-of-way to its intersection with the extension of the South boundary of said Lot 4; thence S 85°12' W a distance of fifty (50) feet, more or less, to the Southeast corner of said Lot 4; thence N 0°4' W along the East boundary of said Lot 4 a distance of one hundred (100) feet to the point of beginning.

AND

A part of the NE ¼ Section 32, Township 47 North, Range 3 West, Boise Meridian, Benewah County, Idaho, more particularly described as follows:

COMMENCING at the East ¼ section corner of said section, monumented with an iron pipe, 2 inches diameter, with a brass cap, 2-½ inches diameter, marked PLS 703, from which the North 1/16 section corner, common to said section 32 and section 33 (the Northeast corner of Government Lot 6 said section), monumented with an iron rod, ½ inch diameter, with a plastic cap marked PE/LS 3451, bears North 0°04'00" West 1324.84 feet (of record as North 0°04'00" West 1324.65 feet and North 0°04'00" West 1311.38 feet) distant;

thence North 0°04'00" West 662.42 feet (of record as North 0°04'00" West) along the East line of said NE¼ to the Southeast corner of the North ½ of the East 375.14 feet, of said Government Lot 6 said corner monumented with an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766 the POINT OF BEGINNING;

thence North 88°46'36" West 271.82 feet along the South line of said North ½ of the East 375.14 feet of said Government Lot 6 and leaving said East line to a point on the westerly right-of-way line of that easement, according to the deeds recorded, as Instrument No. 254183 and Instrument No. 254184, records of said County, said point monumented with an iron rod 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence traversing said westerly right-of-way line, and leaving said South line, as follows:

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thence North 0°30'00" West 41.03 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

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thence South 88°45'30" East 20.00 feet, and leaving said normal pool or summer storage level line, along said North line to an iron rod, 5/ 8 inch diameter, with an aluminum cap, 2 inches diameter, marked WITNESS CORNER - PLS 6766, witnessing the aforementioned point;

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thence continuing South 88°45'30" East 765.16 feet (of record as South 88°45'03" East 764.95 feet) along said North line to said North 1/16 section corner, common to said section 32 and section 33 (the Northeast corner of said Government Lot 6), monumented with an iron rod;

1/2 inch diameter, with a plastic cap marked PE/LS 3451;

thence South 0°04'00" East 662.42 feet (of record as South 0°04'00" East), and leaving said North line along the East line of said NE¹/₄ to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM existing roads and rights-of-way.



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 24, 2021

TIMOTHY J O BRIEN
LYN A FITZPATRICK
33716 S BENEWAH RD
HARRISON ID 83833-7871

Re: Change in Ownership for Water Right No(s): 94-7289, 94-9115, & 94-9116

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) 762-2813.

Sincerely,


Natalie Steading
Tech Records Specialist 1

Enclosure(s)