

NOV 20 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / NORTH 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?
95-9729	Yes ☒	Yes ☐		Yes ☐	Yes ☐
95-9729	Yes ☐	Yes ☐		Yes ☐	Yes ☐
95-18056	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Dawn Construction
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Kyle and Kathryn Delshooke
New owner(s) as listed on the conveyance document
- Name connector ☒ and ☐ or ☐ and/or
- Mailing address 16301 E. Bunce Rd City Arctic State ID ZIP 83801
- Telephone 208-770-7873 Email Kdelshooke7@gmail.com
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: _____
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):
- ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ 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: Kyle Delshooke Signature of new owner/claimant Title, if applicable _____ Date 10/26/20
- Signature: _____ Signature of new owner/claimant Title, if applicable _____ Date _____

For IDWR Office Use Only:

Received by JA Date 11-20-2020 Receipt No. N036571 Receipt Amt. 10000

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 _____ Processed by NS Date 1-7-21

Instrument Prepared By:

EDWIN B. HOLMES, ISB #4668
HOLMES LAW OFFICE, P.A.
1250 W IRONWOOD DRIVE, STE 301
COEUR D'ALENE ID 83814-2682
TELEPHONE: (208) 664-2351
FACSIMILE: (208) 664-2323
EMAIL: hbm@hvaclawoffice@frontier.com

WARRANTY DEED
(With Grants of Easements)¹

924314

For value received, **Daum Construction LLC, an Idaho Limited Liability Company**, the Grantor herein (hereinafter referred to as "Grantor"), does hereby does hereby grant, bargain, sell and convey unto **Kyle Delahooke and Kathryn Delahooke, husband and wife, as community property with right of survivorship** the Grantee herein, currently of 16301 E Bunco Road, Athol, ID 83801 (hereinafter referred to collectively as "Grantee"), all present and future right, title and interest that Grantor has in the following described two (2) parcels of real property located in the County of Kootenai, State of Idaho, to wit:

PARCEL D: The West 635.0 Feet of the Northwest Quarter of Section 28, Township 53 North, Range 02 West of the B.M., Kootenai County, Idaho Laying North of the Centerline of an Existing Stream as Described in Warranty Deed Instrument Number 2735883000, Kootenai County Records (hereinafter referred to as "Parcel D").

PARCEL C: The West Half of the Northwest Quarter of Section 28, Township 53 North, Range 02 West of the B.M., Kootenai County, Idaho Laying North of the Centerline of an Existing Stream as Described in Warranty Deed Instrument Number 2735883000, Kootenai County Records. LESS the West 635.0 Feet of Said West Half of the Northwest Quarter. AND LESS the East 100.0 Feet of Said West Half of the Northwest Quarter (hereinafter referred to as "Parcel C").

TOGETHER WITH a perpetual and appurtenant ingress and egress easement over, across and under the **northern fifty feet (50.00')** of the following two (2) parcels of real property currently owned by the Grantor located in the County of Kootenai, State of Idaho, to wit:

Easement to be non motorized *WRD KOD KFD*
Grantor's Parcel B: The East 100.0 Feet of the West Half of the Northwest Quarter and the East Half of the Northwest Quarter of Section 28, Township 53 North, Range 02 West of the B.M., Kootenai County, Idaho Laying North of the Centerline of an Existing Stream as Described in Warranty Deed Instrument Number 2735883000, Kootenai County Records. LESS THE East 483.5 feet of said East Half of the Northwest Quarter (hereinafter referred to as "Grantor's Parcel B").

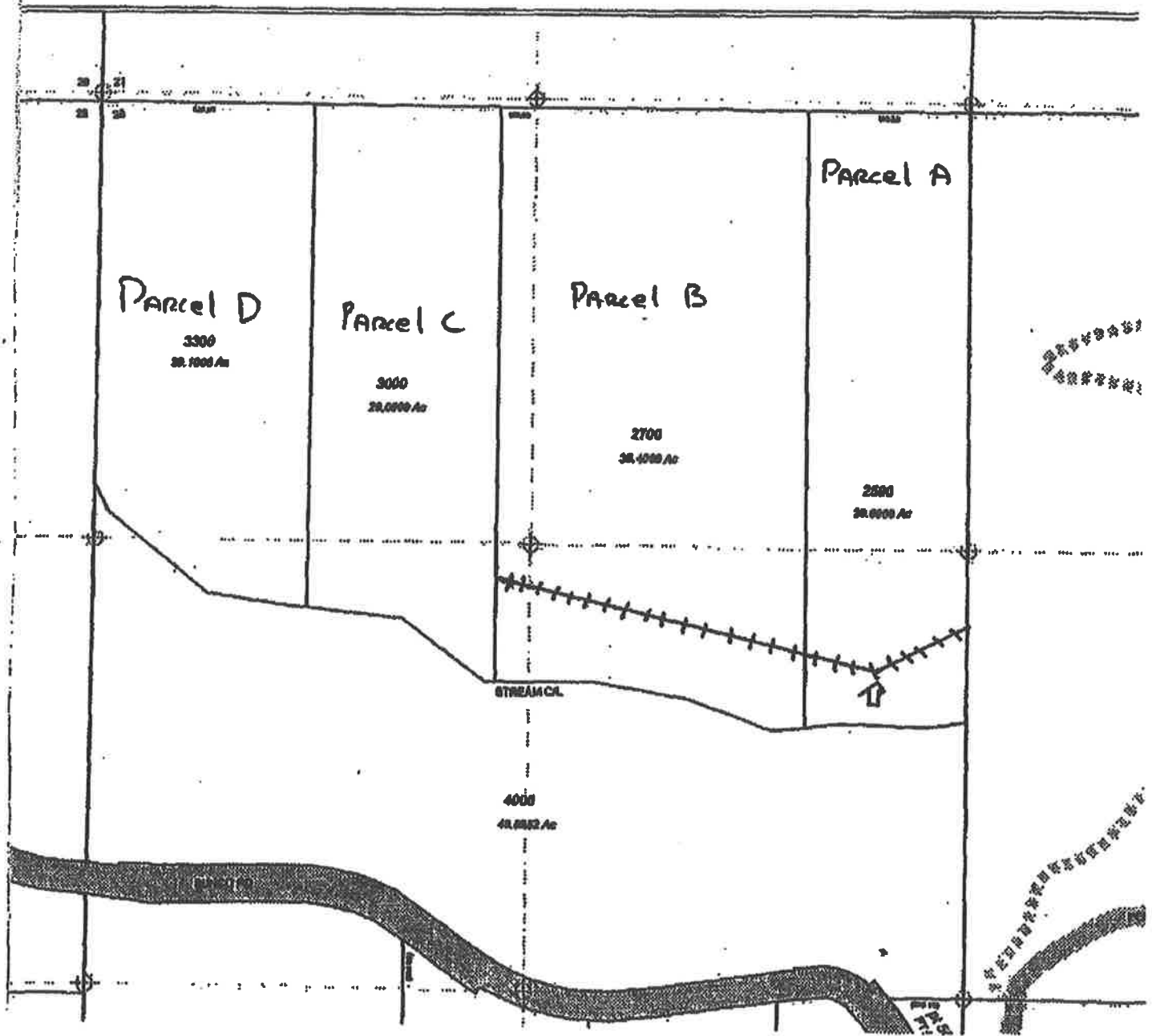
¹Instrument to Recorded Twice and Indexed under Deeds and under Easements.

Grantor's Parcel A: The East 483.5 feet of the Northwest Quarter of Section 28, Township 53 North, Range 02 West of the B.M., Kootenai County, Idaho Laying North of the Centerline of an Existing Stream as Described in Warranty Deed Instrument Number 2735883000, Kootenai County Records (hereinafter referred to as "Grantor's Parcel A").

ALSO TOGETHER WITH a perpetual and appurtenant nonexclusive underground water transmission line easement over, across and under Grantor's Parcels A and B for Grantee's placement, operation, maintenance, inspection, repair and replacement of a **pre-existing** underground water transmission pipeline currently traversing Grantor's Parcels A and B (the "water line easement") that benefits Parcels C and D. The water line easement shall be **ten feet (10.00')** in width, as measured from the centerline of the pre-existing underground water transmission line. For illustrative purposes only, a non-scaled diagram depicting the relative location of the pre-existing underground water line as it currently traverses Grantor's Parcels A and B is attached hereto as **Exhibit 1** and is incorporated herein by reference. In the event that any inspection, repair and/or maintenance work that Grantee undertakes to maintain the water line easement requires additional temporary space for staging materials and/or operating machinery, then in that event Grantee shall be permitted a **temporary entry, staging and repair easement** over and across Grantor's Parcels A and B that is **twenty feet (20.00')** in width, as measured from the center line of the pre-existing water line (the "temporary maintenance easement"). The temporary maintenance easement shall arise from time to time as needed for Grantee's inspection, servicing and/or repairing the water line and the temporary easement shall immediately lapse upon the completion of the maintenance/repair work. All repair and maintenance work undertaken by or on behalf of the Grantee shall be completed in a reasonable and timely manner, weather permitting.

ALSO TOGETHER WITH a **twenty foot (20.00')** wide ingress and egress easement over, across and under the pre-existing road traversing Grantor's Parcel A for Grantee's access to a water cistern located on contiguous forest lands owned by the United States Forest Service (the "water road easement"). The water cistern provides water to Parcels C and D via the water line easement. For illustrative purposes only, a non-scaled diagram depicting the relative location of the pre-existing water road easement as it currently traverses Grantor's Parcel A is attached hereto as **Exhibit 2** and is incorporated herein by reference. Grantee shall only use the water road easement for accessing the water cistern located on the adjacent U.S. forest land for inspecting, repairing and maintaining the water cistern. It is intended that Grantee's use of the water road easement shall be intermittent and limited solely to water cistern maintenance purposes. Grantee shall not use the water road easement for general access to the adjacent forest lands.

Grantor, as the current fee owner of Grantor's Parcels A and B, does further hereby specifically grant and convey to Grantee, as the now current fee owner of Parcel C and Parcel D, any and all easements that Grantor may have to Parcel C and/or to Parcel D that may be in any way appurtenant to any portion of Grantor's Parcel A and/or Grantor's Parcel B by virtue of express grant, dedication, prescription, implied use, strict necessity or otherwise. It is Grantor's specific intent to grant, convey, reconvey, terminate, merge and extinguish any and all easements

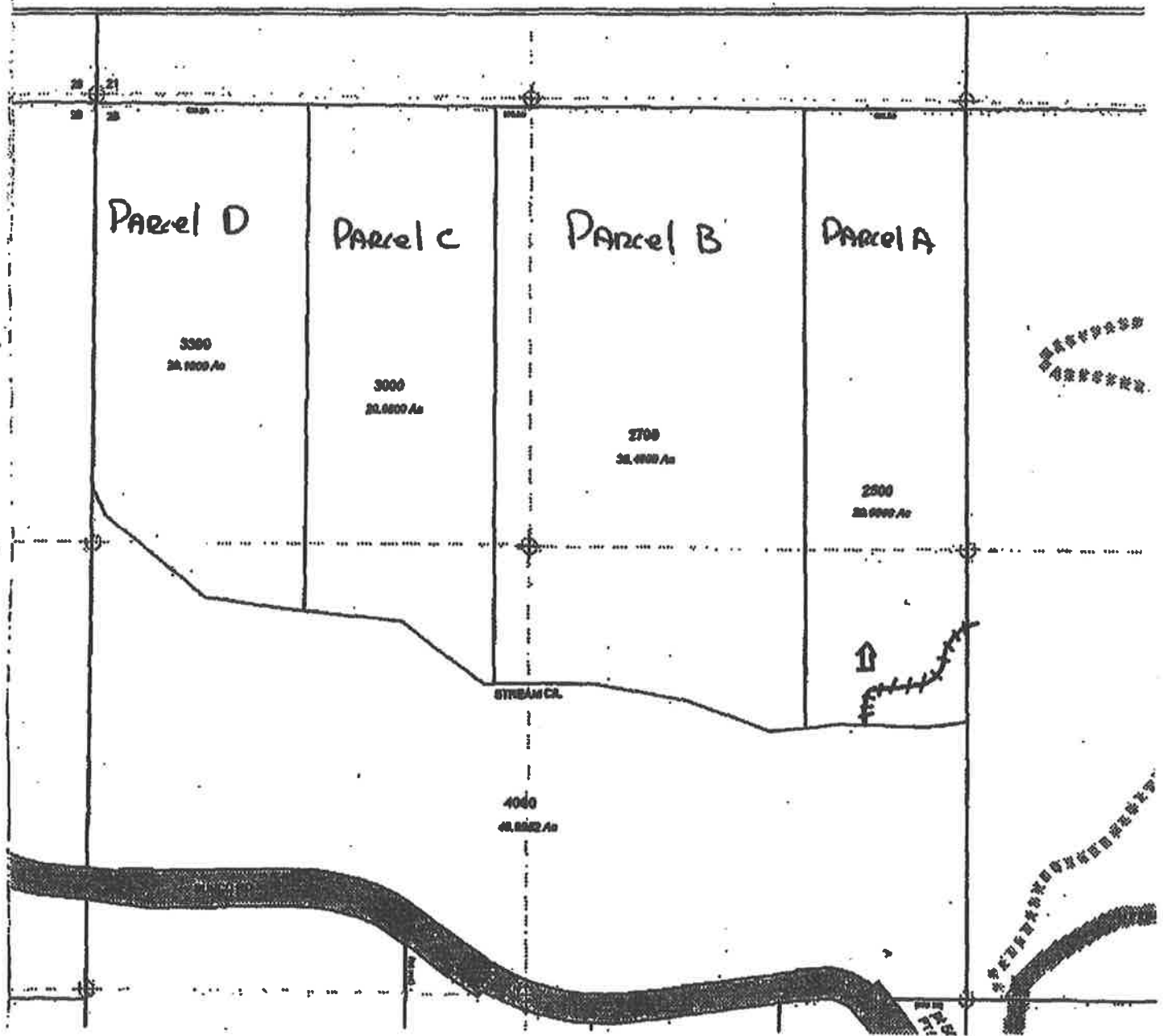


↑ = Pre-Existing house on Parcel A

+++++ general location of pre-existing
underground water line easement (10.00')

NOT TO SCALE

EXHIBIT 1
PAGE 1 OF 1



↑ = pre-existing house on Parcel A



= general location of
pre-existing water road easement (20.00')

NOT TO SCALE.

EXHIBIT 2
PAGE 1 OF 1



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

Brad Little
Governor

Gary Spackman
Director

January 07, 2021

KYLE DELAHOOKE
KATHRYN DELAHOOKE
16301 E BUNCO RD
ATHOL ID 83801-5048

Re: Change in Water Right Ownership: 95-9729 (Split into 95-9729 and **95-18056**)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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)

c: DAUM CONSTRUCTION