

JUN 29 2020

DEPARTMENT OF
WATER RESOURCESSTATE 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?
85-15718	Yes ☐	Yes ☐		Yes ☐	Yes ☐
85-15720	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Ralph ALBERTHAL
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): OVER THIRTY-FIVE
Name connector ☒ and ☐ or ☐ and/or
- 613 Bryden AVE Ste C #356 LEWISTON ID 83501
Mailing address City State ZIP
- 208-790-6040
Telephone
4. If the water rights and/or adjudication claims were split, how did the division occur? See Document: St of 9d. Dept of water rights
☐ 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: 11-4-09
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.

SUPPORT DATA

IN FILE # 85-15718

8. Signature: Nancy Swearingen Manager 6-24-20
Signature of new owner/claimant Title, if applicable Date
- 2nd contact Victoria Sundt Assistant Manager 6-25-20
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by KM Date 6-29-2020 Receipt No. C108968 Receipt Amt. 50

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 Jm Date 6-29-2020

Instrument # 874531

NEZ PERCE COUNTY

3-11-2020 12:31:35 PM No. of Pages: 4

Recorded for : CREASON MOORE DOKKEN & GEIDL *

PATTY WEEKS

Fee: 15.00

Ex-Officio Recorder Deputy

Cindy S. Deamp

Index to: TRUSTEE DEED

TRUSTEE'S DEED

THIS CONVEYANCE made effective the 7 day of ~~February~~ ^{March}, 2020, Nancy A. Swearingen, as Trustee of the Ralph Alberthal and Adelaide B. Alberthal Trust under agreement dated November 6, 1990, and amended on February 19, 1993, and by TEDRA Agreement on December 31, 2017, Party of the First Part, and Over Thirty-Five LLC, a Washington limited liability company, whose address is 613 Bryden Avenue, Suite C #356, Lewiston, Idaho 83501, Party of the Second Part,

WITNESSETH:

WHEREAS, Nancy A. Swearingen is the Trustee of the Ralph Alberthal and Adelaide E. Alberthal Trust under trust agreement dated November 6, 1990, and amended on February 19, 1993, which Trust is still in full force and effect;

WHEREAS, the Trustee of the above-described Trust, as Party of the First Part, is duly authorized and empowered to convey an undivided four-sevenths (4/7ths) interest of the Trust in the real property hereinafter described to the Party of the Second Part under the statutes of the State of Idaho;

NOW, THEREFORE, premises considered,

The Party of the First Part does hereby grant, bargain, sell and convey to the Party of the Second Part, an undivided four-sevenths (4/7ths) right, title and interest which the Party of the

First Part may have in and to the following real property located in the County of Nez Perce, State of Idaho, to-wit:

Parcel No. 1:

Commencing at the Southwest corner of Section 21, Township 35 North, Range 5 W.B.M; thence South 89°05' East a distance of 1530 feet to a point on the North line of the County Road; thence along said County Road North 89°55' West a distance of 350 feet to the point of beginning; thence continue along the North line of said County Road North 89°55' West a distance of 170.83 feet; thence North 0°17' East a distance of 1274.4 feet; thence North 89°43' East a distance of 170.83 feet; thence South 0°17' West a distance of 1275.5 feet to the point of beginning.

Parcel No. 2:

That part of Section 21, Township 35 North, Range 5 West of the Boise Meridian, described as follows:

Commencing at the Southwest corner of said Section 21; thence S. 89°55' E. along the North line of Tammany Creek Road, 666.45 feet to THE POINT OF BEGINNING; thence N. 0°17' E. 1269.53 feet; thence N. 89°16' E. 342.65 feet; thence S. 0°17' W. 1274.40 feet to the North line of Tammany Creek Road; thence N. 89°55' W. along the North line of Tammany Creek Road 342.60 feet to THE POINT OF BEGINNING. Containing 10 acres more or less.

Parcel No. 3:

Commencing at the Southwest corner of Section 21, Township 35 North, Range 5 West B.M.; thence South 89°05' East a distance of 1530.0 feet to a point on the North line of the County Road as it now exists, being the point of beginning; thence North 89°55' West along the North line of the County Road, a distance of 350.0 feet; thence North 0°17' East, a distance of 1275.5 feet to the point of intersection with existing property line fence; thence North 89°43' East along said fence line, a distance of 350.0 feet; thence South 0°17' West a distance of 1277.6 feet to the North line of the County Road to the true point of beginning.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described.

The Party of the First Part covenants that prior to the execution of the Trustee's Deed, the Party of the First Part has not conveyed this real property to any other person, and at the time of execution, the real property is free from encumbrances done, made, or suffered by the Party of the First Part.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Party of the Second Part, its successors and assigns forever, SUBJECT to taxes for the current year.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set her hand and seal the day and year in this instrument first above written.

**RALPH ALBERTHAL AND ADELAIDE B.
ALBERTHAL TRUST**

By Nancy A. Swearingen Trustee
Nancy A. Swearingen, Trustee

STATE OF IDAHO)

: ss.

County of Nez Perce)

On this 7 day of ~~February~~ *March*, 2020, before me, the undersigned, a Notary Public in and for said state, personally appeared Nancy A. Swearingen, known or identified to me to be the Trustee of the Ralph Alberthal and Adelaide B. Alberthal Trust, whose name is subscribed to the within instrument and acknowledged to me that she executed the same on behalf of said Trust.

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

(SEAL)

DAVID B. SCHNECKLOTH
Notary Public - State of Idaho
Commission Number 65724
My Commission Expires Jun 8, 2021

[Signature]

Notary Public in and for said State,
residing at or employed in Lewiston,
My Commission Expires: 06/08/2021

1061 - 1105 Covey Lane

Over Thirty-Five LLC

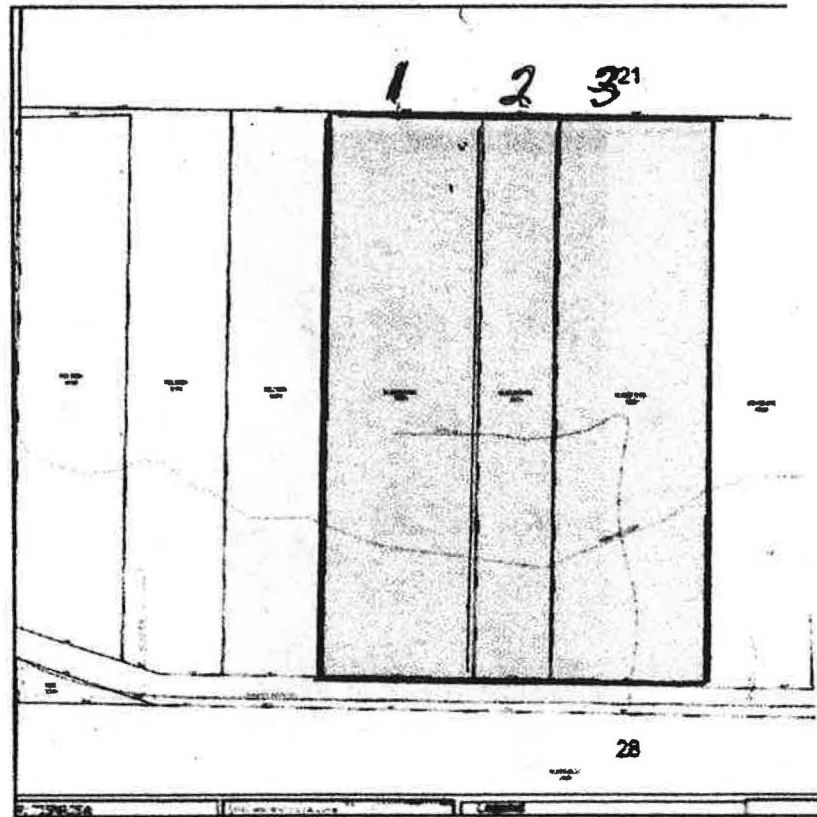
Property Description

SITE

Total Site Size: 25.27 acres

OVER-THIRTY-FIVE LLC

Site Shape: Approximately rectangular



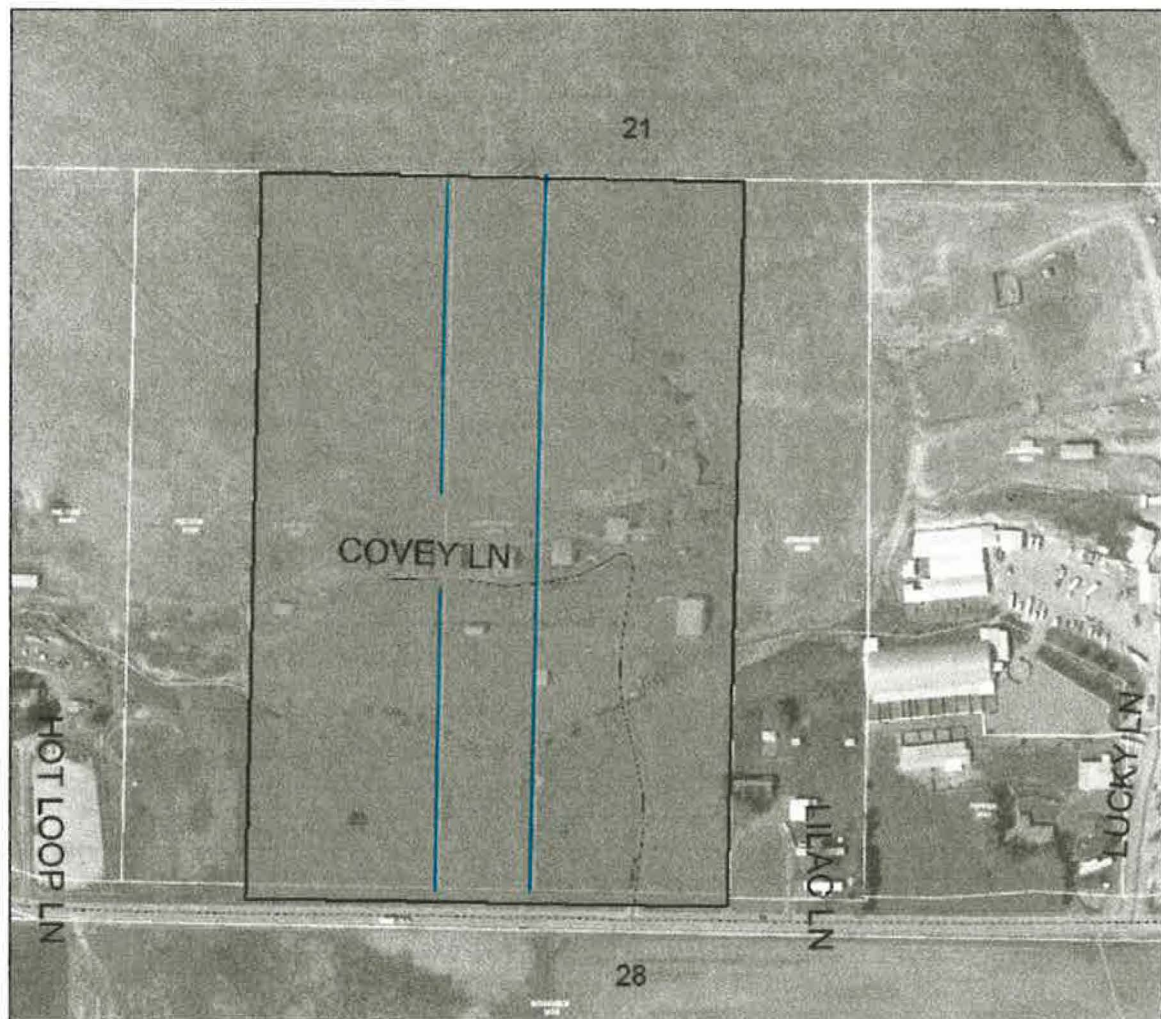
Parcel 10:

1. RP35N05W216000 10.270 AC

2. RP35N05W216075 = 5 AC

3. RP35N05W216100 10 AC

Site Plan





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 4, 2009

RALPH ALBERTHAL
1105 COVEY LN
LEWISTON, ID 83501-5221

OVER THIRTY-FIVE LLC
C/O NANCY SWEARINGEN
613 BRYDEN AVE STE C 356
LEWISTON, ID 83501

RE: Change of Ownership for Water Right No. 85-7522 and 85-7523 which are now split into 85-15718 and 85-15720 (Alberthal) and 85-15719 and 85-15720 (Over Thirty-Five LLC) -6

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the change and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Sandy Egbert

Sandy Egbert
GIS Specialist

Enclosures

11/04/2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 85-15720

WATER RIGHT NUMBER: 85-15720

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RALPH ALBERTHAL 1105 COVEY LN LEWISTON, ID 83501-5221 (206)743-3674

Priority Date: 02/27/1989

Basis: License

Status: Active

Source _____ Tributary _____

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.010 CFS	0.10 AF
IRRIGATION	03/01 to 11/30	0.020 CFS	8.00 AF
<u>Total Diversion:</u>		0.020 CFS	8.10 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 21, Twp 35N, Rge 05W, B.M.
NEZ PERCE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	21																	2.0

Total Acres: 2

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

Remarks:

Dates and Other Information:

Licensed Date: 6/26/1996

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 85-15718

WATER RIGHT NUMBER: 85-15718

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RALPH ALBERTHAL 1105 COVEY LN LEWISTON, ID 83501-5221 (206)743-3674

Priority Date: 02/27/1989

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	1.20 AF
STOCKWATER	01/01 to 12/31	0.010 CFS	0.20 AF
	<u>Total Diversion:</u>	0.020 CFS	1.40 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 21, Twp 35N, Rge 05W, B.M.

NEZ PERCE County

Place of Use

DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
35N 05W 21	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
			X		

STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
35N 05W 21	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
			X		

Conditions of Approval:

1. Stockwater use is for 8 head of mixed stock.
Domestic use is for 2 homes.
2. R51 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
3. N05 The quantity of water under this right and right 85-15719 for stockwater use shall not exceed .01 CFS and .2 AFA.

Remarks:Dates and Other Information:

Licensed Date: 6/4/1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 4, 2009

RALPH ALBERTHAL
1105 COVEY LN
LEWISTON, ID 83501-5221

OVER THIRTY-FIVE LLC
C/O NANCY SWEARINGEN
613 BRYDEN AVE STE C 356
LEWISTON, ID 83501

RE: Change of Ownership for Water Right No. 85-7522 and 85-7523 which are now split into 85-15718 and 85-15720 (Alberthal) and 85-15719 and 85-15720 (Over Thirty-Five LLC)

85-15721 ?

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the change and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at:
www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Sandy Egbert
GIS Specialist

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 85-15719

WATER RIGHT NUMBER: 85-15719

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OVER THIRTY-FIVE LLC C/O NANCY SWEARINGEN 613 BRYDEN AVE STE C 356 LEWISTON, ID 83501

Priority Date: 02/27/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.090 CFS	4.20 AF
STOCKWATER	01/01 to 12/31	0.010 CFS	0.20 AF
IRRIGATION	03/01 to 11/30	0.100 CFS	20.00 AF
	<u>Total Diversion:</u>	0.090 CFS	24.20 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 21, Twp 35N, Rge 05W, B.M.
NEZ PERCE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	21											X						

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	21											X						

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	21											1.0	4.0					5.0

Total Acres: 5

Conditions of Approval:

1. R51 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2. Stockwater use is for 8 head of mixed stock.
Domestic use is for 7 homes.
3. N05 The quantity of water under this right and right 85-15718 for stockwater use shall not exceed .01 CFS and .2 AF.

Remarks:Dates and Other Information:

Licensed Date: 6/4/1993

11/04/2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 85-15721

WATER RIGHT NUMBER: 85-15721

Owner Type

Current Owner

Name and Address

OVER THIRTY-FIVE LLC
C/O NANCY SWEARINGEN
613 BRYDEN AVE STE C 356
LEWISTON, ID 83501

Priority Date: 02/27/1989

Basis: License

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

STOCKWATER

IRRIGATION

From To

01/01 to 12/31

03/01 to 11/30

Diversion Rate

0.010 CFS

0.070 CFS

Total Diversion:

0.070 CFS

Annual Volume

0.10 AF

24.00 AF

24.10 AF

Location of Point(s) of Diversion

GROUND WATER

NEZ PERCE County

SW1/4SW1/4

Sec. 21, Twp 35N, Rge 05W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
35N	05W	21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	6.0
																			6.0

Total Acres: 6

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

Remarks:

Dates and Other Information:

Licensed Date: 6/26/1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 30, 2020

OVER THIRTY-FIVE LLC
613 BRYDEN AVE STE C # 356
LEWISTON ID 83501-5192

RALPH ALBERTHAL
1105 COVEY LN
LEWISTON, ID 83501-5221

Re: Change in Ownership for Water Right No(s): 85-15718 & 85-15720

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

RECEIVED

JUN 29 2020

DEPARTMENT OF
WATER RESOURCES

MEMO

JUNE 25, 2020

TO: STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

ATTN: NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

FROM: OVER THIRTY-FOVE LLC Mailing: 613 Bryden Ave Ste C #356

Lewiston, ID. 83501

I have included Filing Form

Trustee's Deed

Property Description with Parcel#

Site Plan- Covey Lane, Lewiston, Idaho 83501

Copies of 2 letters dated Nov. 4, 2009

Water right numbers are different

Please advise if you need additional information.

OUR CHECK NUMBER FOR \$50.00

Nancy Swearingen, Manager of
Nancy Swearingen *Over Thirty Five LLC*

208-790-6040