



**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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

December 31, 2019

MITCHELL BERG  
435 HARVEST DR  
MOSCOW ID 83843-9296

RE: Water Right Change in Ownership No(s): 96-8979,

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on October 7, 2019 for the above referenced water right. After thorough review, the Notice could not be processed because a previous quitclaim deed to the PJD Partnership (enclosed) had conveyed all title and interest in water rights 96-7461 & 96-8979. The warranty deed supplied in your Noticed had no conveyed water rights.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$100 has been requested and will be mailed to you under separate cover from the Idaho State Controller's Office.

If you have any questions regarding this matter, please contact me at (208) 762-2800.

Sincerely,

Natalie Steading  
Tech Records Specialist 1

Enclosure(s) Quitclaim deed dated January 16, 2018

c: PJD PARTNERSHIP

WHEN RECORDED, RETURN TO:

WILLIAM D. EDEN  
DOUGLAS, EDEN, PHILLIPS  
DeRUYTER & STANYER, P. S.  
717 West Sprague Avenue, Suite 1500  
Spokane, Washington 99201-3923

**QUIT CLAIM DEED**

FOR VALUE RECEIVED, WENDY MALLOY as to her community property, and SUSAN L. MALLOY as to her community property (as to Parcel No. RP59N-01W-320750A), and LEONARD A. MALLOY and JULIA A. MALLOY, husband and wife, (as to Parcel No. RP59N-01W-320151A), collectively as their interests may appear of record, do hereby convey, release, remise and forever quitclaim unto PJD PARTNERSHIP, an Idaho General Partnership, whose current address is P.O. Box 339, Post Falls, ID 83877, any and all right, title and interest in and to Water Right License 96-7461 and Water Right Permit 96-8979 together with all water rights appurtenant thereto located in Section 32 in Township 59 North, Range 1 West, as more fully described on the Exhibit "A" attached hereto.

DATED this 16<sup>th</sup> day of January, 2018.

Wendy Malloy  
WENDY MALLOY

Leonard A. Malloy  
LEONARD A. MALLOY

Susan L. Malloy  
SUSAN L. MALLOY

Julia A. Malloy  
JULIA A. MALLOY

STATE OF Idaho )  
County of Kootenai ) : ss.



On this 17<sup>th</sup> day of Jan, 2018, before me, a notary public in and for said state, personally appeared WENDY MALLOY, known or identified to me to be the person whose name she subscribed to the within instrument, and acknowledged to me that she executed the same.

John Martinek  
Notary Public for the State of Idaho  
Residing at Spokane Valley  
Commission Exp: 7/19/18

STATE OF Idaho )  
County of Kootenai ) : ss.

On this 16<sup>th</sup> day of Jan, 2018, before me, a notary public in and for said state, personally appeared SUSAN L. MALLOY, known or identified to me to be the person whose name she subscribed to the within instrument, and acknowledged to me that she executed the same.



John Martinek  
Notary Public for the State of Idaho  
Residing at Spokane Valley  
Commission Exp: 7/19/18

RECEIVED

OCT 07 2019

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## Notice of Change in Water Right Ownership

IDWR / NORTH

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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 96-8979               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: PJD Partnership  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Mitchell and Elizabeth Berg  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 435 Harvest Drive Moscow ID 83843  
Mailing address City State ZIP  
(208)596-2330 mitchtberg@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: January 11, 2019
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: [Signature] 1/11/2019  
Signature of new owner/claimant Title, if applicable Date

Signature: [Signature] 1/11/2019  
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only: TA

Received by NS Date 10-21-19 Receipt No. N0835694 Receipt Amt. 75.00  
10-7-19 N0835670 \$25.00

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 \_\_\_\_\_ Date \_\_\_\_\_

**Instrument # 933389**  
Bonner County, Sandpoint, Idaho  
01/15/2019 11:26:54 AM. No. of Pages: 3  
Recorded for: NORTH IDAHO TITLE COMPANY SANDPOINT - RW  
Michael W. Rosedale Fee: \$16.00  
Ex-Officio Recorder Deputy rflaherty  
Index to: WARRANTY DEED

Escrow No.: N-46593-NA

## WARRANTY DEED

FOR VALUE RECEIVED, **The Leonard A. and Julia A. Malloy Family Partnership, a Washington limited partnership**

Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto

**Mitchell Berg and Elizabeth Berg, husband and wife, as community property with right of survivorship, Grantee,**

whose address is: 435 Harvest Drive, Moscow, ID 83843

the following described premises, County of Bonner, State of Idaho to-wit:

### **SEE ATTACHED EXHIBIT 'A'**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

This document is now recorded electronically with the County Recorder. Attached to this original document is a copy of the recorded stamp as it appears of record.

Escrow No.: N-46593-NA

## **WARRANTY DEED**

FOR VALUE RECEIVED, **The Leonard A. and Julia A. Malloy Family Partnership, a Washington limited partnership**

Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto

**Mitchell Berg and Elizabeth Berg, husband and wife, as community property with right of survivorship, Grantee,**

whose address is: 435 Harvest Drive, Moscow, ID 83843

the following described premises, County of Bonner, State of Idaho to-wit:

### **SEE ATTACHED EXHIBIT 'A'**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

DATED. January <sup>14</sup>~~8~~, 2019

The Leonard A. and Julia A. Malloy Family  
Partnership

Leonard A. Malloy  
by: Leonard A. Malloy, General Partner

Julia A. Malloy  
by: Julia A. Malloy, General Partner



STATE OF WASHINGTON )

COUNTY OF SPOKANE )

)ss.

On this 14<sup>th</sup> day of JAN. , 2019 , before me, a Notary Public in and for said State, personally appeared LEONARD A. MALLOY AND JULIA A. MALLOY known or identified to me to be the general partners in the partnership who subscribed said partnership name to the within instrument and acknowledged to me that he/she/they executed the same in the partnership name.

John Martinez  
Notary in and for said County and State

Residing at: Spokane Valley

Commission Exp.: 7/19/2024

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

That part of Section 32, Township 59 North, Range 1 West, Boise Meridian, Bonner County, Idaho, lying East of the Burlington Northern Railroad and North of the center of Pack River;

LESS a tract described as follows:

Beginning at a point along the Section line between Sections 29 and 32, said Township and Range, where the section line intersects the east right of way line of the Burlington Northern Railroad;

Thence East along said Section line 660 feet;

Thence Southwesterly parallel to the Burlington Northern Railroad right of way 2640 feet;

Thence West 660 feet to the Burlington Northern Railroad right of way;

Thence Northeasterly along said right of way 2640 feet to the point of beginning;

ALSO LESS a tract described as follows:

Beginning at a point along the Section line between Sections 29 and 32, said Township and Range, where the section line intersects the center of the Burlington Northern Tracks;

Thence East along said Section line, 1855.6 feet to the TRUE POINT OF BEGINNING;

Thence at an angle of 95°10' to the right to the center of Pack River;

Thence Easterly along the center of Pack River to the East Section line of said Section 32;

Thence North along said East Section line to the Northeast corner of said Section;

Thence West along the North line of said Section to the TRUE POINT OF BEGINNING.

## **Steading, Natalie**

---

**From:** Steading, Natalie  
**Sent:** Tuesday, December 31, 2019 10:11 AM  
**To:** Marston, Sascha  
**Subject:** REQUEST FOR REFUND

**TO:** Sascha Marston  
**FROM:** Natalie Steading  
**DATE:** December 31, 2019  
**RE:** Refund for amount paid for ownership change 96-8979

Please refund \$100. The warranty deed did not convey the water right.

**NAME:** Mitchell Berg  
Elizabeth Berg

**ADDRESS:** 435 Harvest Dr  
Moscow ID 83843

**RECEIPT#:** N035670 (\$25) & N035694 (\$75)

### *Natalie Steading*

Idaho Dept. of Water Resources, Northern  
7600 N Mineral Drive, Ste 100  
Coeur d'Alene ID 83815  
Ph: (208) 762-2800  
Fax: (208) 762-2819