

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 25 2019

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?
65-7091	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: Charles V. Bergey
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Claire Wieber
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 1472 Front Nine Dr. Fort Collins CO 80525
Mailing address City State ZIP
- 970.310.3944 _____
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: Sept. 6, 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: Claire Wieber _____ 10-14-2019
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 [Signature] Date 10/25/19 Receipt No. C107890 Receipt Amt. 25
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing
 Name on W-9 _____ Approved by _____ Processed by [Signature] Date 11/18/19 W-9 received? Yes ☐ No ☐

SCANNED
OCT 31 2019

WHEN RECORDED RETURN TO:

Murphy Law Office
847 E. Fairview Avenue
Meridian, Idaho 83642

Instrument # 423660

VALLEY COUNTY, CASCADE, IDAHO

9-20-2019 11:23:32 AM No. of Pages: 2

Recorded for : MURPHY LAW OFFICE

DOUGLAS A. MILLER

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEEDS

CW

Trustee's Deed

This deed, is made and executed by DAVID PATRICK BERGEY, as the Successor Trustee of THE CHARES V. AND MARY ANNE BERGEY TRUST DATED MARCH 24, 1992, AS AMENDED, referred to as the "Grantor", to CLAIRE BERGEY WIEBER, a married woman as her sole and separate property, hereinafter referred to as "Grantee", whose current address is 1472 Front Nine Dr., Fort Collins, Colorado 80525.

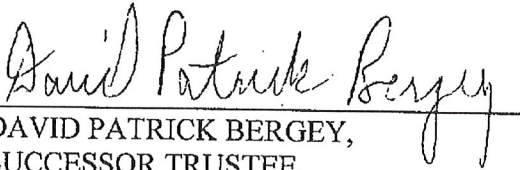
For valuable consideration received, Grantor hereby grants, sells, quitclaims, transfers, and conveys to Grantee all of the Grantor's undivided interest in the following described real property in Valley County, Idaho:

Lot 4A-44, Subdivision CR-4, Valley County, Idaho, according to the Valley County Recorder's Book No. 10 of Miscellaneous Records thereof filed in Valley County on August 16, 1961 (Instrument No. 57151), located in the NW ¼ NE ¼ & SW ¼ NE ¼ of Section 19, Township 15 North, Range 3 East, Boise Meridian.

TO HAVE AND TO HOLD, all and singular the said real property, together with all appurtenances, tenements, hereditaments, reversions, remainders, rents, issues, profits, rights-of-way, and water rights in anywise appertaining to the real property herein described, as well in law as in equity, unto Grantees, and to their heirs and assigns forever.

WITNESS the hands of said Grantor this 6th day of September, 2019.

THE CHARES V. AND MARY ANNE
BERGEY TRUST DATED MARCH 24,
1992, AS AMENDED



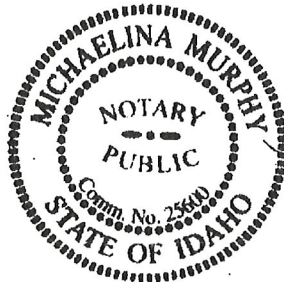
DAVID PATRICK BERGEY,
SUCCESSOR TRUSTEE

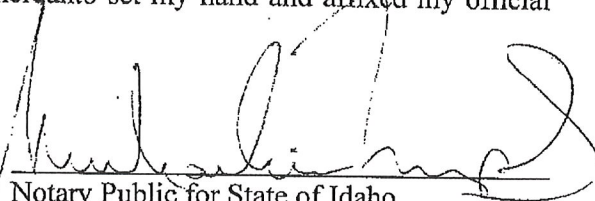
STATE OF IDAHO)
 : SS
COUNTY OF ADA)

On this 6th day of September, 2019, before me the undersigned, a Notary Public in and for said state, personally appeared DAVID PATRICK BERGEY, as Successor Trustee of THE CHARES V. AND MARY ANNE BERGEY TRUST DATED MARCH 24, 1992, AS AMENDED, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

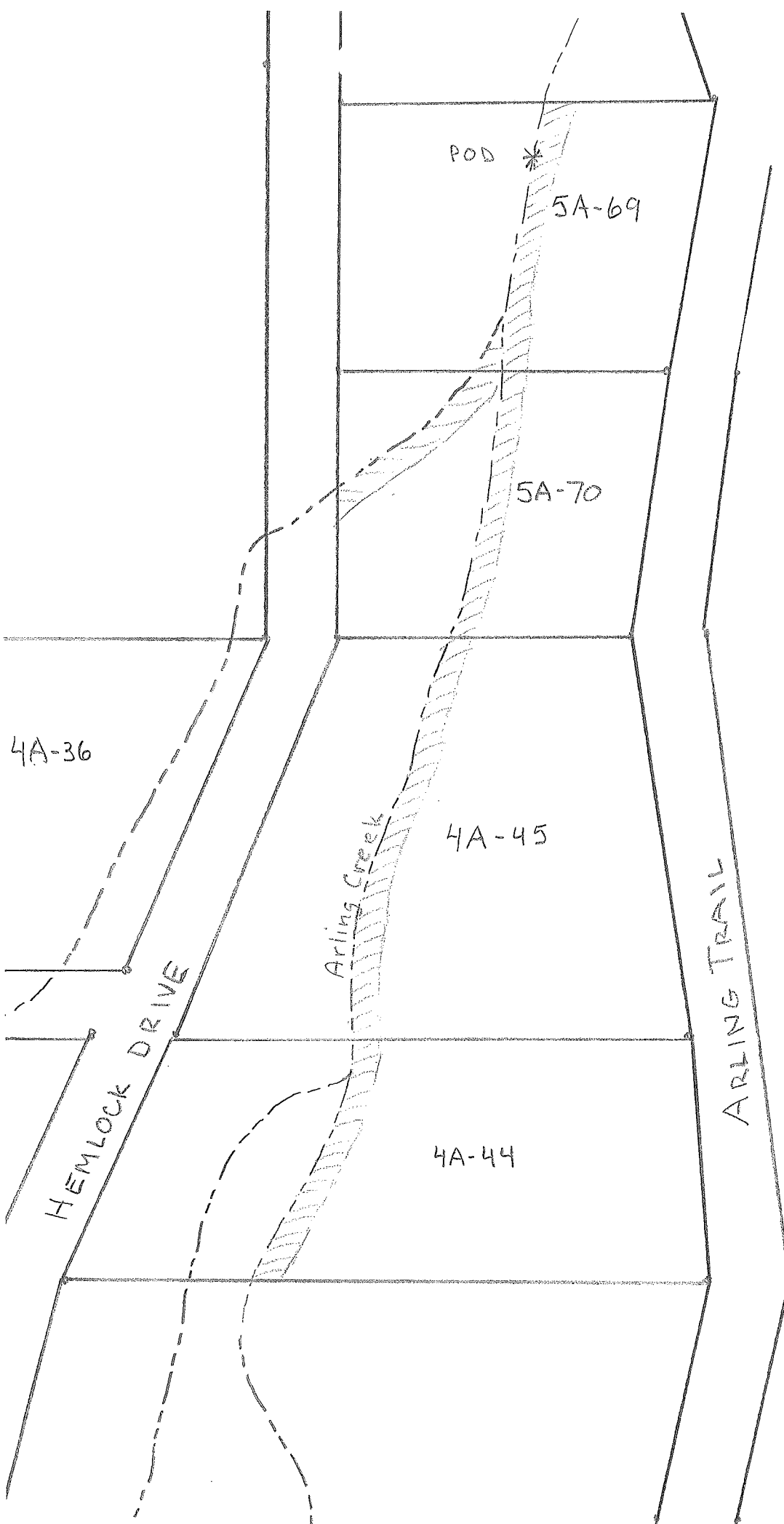
(SEAL)



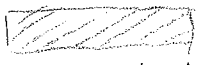


Notary Public for State of Idaho
Residing at Meridian, Idaho
My commission expires: 03/26/2020

N
NTS



CR-4 & CR-5
Subdivision
Cascade Reservoir

- Property Line
- - - - - Creek
-  15' Wide Waterline Easement
- * Point of Diversion

SCANNED
OCT 31 2019



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

October 30, 2019

CLAIRE BERGEY WIEBER
1472 FRONT NINE DR
FORT COLLINS CO 80525-9466

RE: Change in Ownership: 65-7091

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

 X Chain of Title

The owner of record for this water right is Charles V Bergey, see included Water Right Proof Report. The entity which conveyed ownership of the water right was The Charles V and Mary Anne Bergey Trust. Please supply the department with documentation which conveyed the ownership of the water right from Charles V Bergey to The Charles V and Mary Anne Bergey Trust.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at Amanda.veibell@idwr.idaho.gov or (208) 287-4802.

Sincerely,

Amanda Veibell
Office Specialist 2

Enclosure(s)

SCANNED
OCT 31 2019

THE CHARLES V. AND MARY ANNE BERGEY TRUST

This Trust Agreement is made this 24th day of March, 1992, between CHARLES V. BERGEY and MARY ANNE BERGEY, husband and wife, with the address of 2698 Mesa Way, Meridian, Idaho 83642 herein jointly referred to as the "Grantors", and CHARLES V. BERGEY and MARY ANNE BERGEY, with the address of 2698 Mesa Way, Meridian, Idaho 83642 herein referred to as "Trustees."

In consideration of the mutual covenants and promises set forth herein, Grantors and Trustees agree:

ARTICLE ONE

TRUST NAME

1.1 Name of Trust. This Trust shall be known as "THE CHARLES V. AND MARY ANNE BERGEY TRUST."

ARTICLE TWO

TRUST PROPERTY

2.1 Assets Transferred to Trust.

The Grantors hereby transfer and deliver to the Trustee the property described in Exhibit "A", attached hereto and made a part hereof by this reference. The receipt of such property is hereby acknowledged by the Trustee. All such property, and all property hereafter subject to this Trust, shall constitute the Trust Estate, and shall be held, managed, administered, and distributed by the Trustee as hereinafter provided.

2.2 Addition of Property to Trust.

The Grantors, or any other person, with the consent of the Trustee, may name the Trust as Beneficiary of life insurance policies, or deposit property in the Trust, or devise property to the Trustee.

The Trust - Page 34

distributee.

ARTICLE ELEVEN

REVOCATION AND AMENDMENT

11.1 Amendment and Revocation.

The Grantors may at any time during their joint lives amend any of the provisions of this Trust agreement by an instrument signed by both Grantors and delivered to the Trustee. Neither Grantor shall have any power to participate in any amendment of this Trust agreement that would in any manner affect a policy of insurance on such Grantor's life that is the separate property of the other Grantor.

During the joint lives of the Grantors, the Trust created by this agreement may be revoked in whole or in part, with respect to community property, by an instrument signed by either Grantor and delivered to the Trustee and the other Grantor, and, with respect to separate property, by an instrument signed by the Grantor who contributed the separate property and delivered to the Trustee. Upon revocation, the Trustee shall distribute all or the designated portion of the community property to the Grantors and the separate property to the Grantor who contributed such property. No institutionalized spouse shall have the right to alter, amend or revoke any trust created for the benefit of the community spouse pursuant to the provisions of paragraph 4 of Article Two.

After the death of the first Grantor, the Trust "B" as described in Article Four shall be irrevocable. After the death of the second Grantor, the remaining Trust as described in Article Four shall be irrevocable.

The duties, responsibilities and rates of compensation of the Trustee shall not be altered or modified without the Trustee's written consent.

ARTICLE TWELVE

BOND AND LIABILITY OF TRUSTEE

The Trust - Page 48

spouse resource allowance be allocated to this separate trust which shall be preserved to the maximum extent possible while the Grantors expend and consume the remaining assets that are in the trust.

2.4.d. Gift. The Grantors recognize that the allocation to this separate trust could constitute a gift from one spouse to the other in the event some of the institutionalized spouse's separate property was transferred into the separate trust or in the event more than one-half of the community property was allocated to this separate trust. The Grantors agree to such a transfer even though it may constitute a gift of their property interest to each other.

ARTICLE THREE

DISPOSITION DURING JOINT LIVES OF GRANTORS

3.1 Joint Lives of Grantors.

During the joint lives of the Grantors, or the life of the surviving Grantor, the Trustee shall hold and manage the Trust Estate and shall dispose of the net income and principal thereof as follows:

3.2 Payment of Net Income and Principal to Grantors.

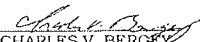
The Trustee shall pay to or apply for the benefit of the Grantors, or either Grantor, or the surviving Grantor, such sums from the income and principal, without limitation, as either or both Grantors, or the surviving Grantor, at any time request.

3.3 Distribution on Incompetency.

3.3.a. One Grantor Incapacitated. Should one Grantor and the family physician, consider the other Grantor incapacitated through illness, age, or any other cause, then the remaining Trustee may, in his or her absolute discretion, pay the entire net income of the Trust Estate to either Grantor or apply such portion of the net principal of the Trust Estate, up to the whole thereof, for the benefit of the incapacitated Grantor.

3.3.b. Both or Surviving Grantor Incapacitated. Should the Grantors' son DAVID PATRICK BERGEY, or if DAVID PATRICK BERGEY is not available then the Grantors' daughter, CLAIRE LOUISE BERGEY SAVELAND and the family physician at any time

The Trust - Page 36

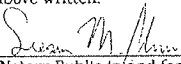

CHARLES V. BERGEY
Grantor and Trustee


MARY ANNE BERGEY
Grantor and Trustee

STATE OF IDAHO)
 ss
County of Ada)

On this 24th day of March, 1992 before me personally appeared CHARLES V. BERGEY and MARY ANNE BERGEY, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


Notary Public in and for
The State of Idaho
Residing at Boise, Idaho

The Trust - Page 52

CHARLES V. AND MARY ANNE BERGEY TRUST
EXHIBIT "A"

REAL PROPERTY

Real Property with the following legal description:

Parcel One

Lot 16 in Block 10 of ATLANTA TOWNSITE SUBDIVISION NO. 1, according to the official plat thereof, filed for record in the office of the County Recorder, **ELMORE COUNTY**, Idaho.

Sold in
about 1995

Parcel Two

Lot 4A-44, Subdivision CR-4, **VALLEY COUNTY**, Idaho, according to the Valley County Recorder's Book No. 10 of Miscellaneous Records thereof filed in Valley County on August 16, 1961 (Instrument No. 57151), located in the NW1/4 NE1/4 & SW1/4 NE1/4 of Section 19, Township 15 North, Range 3 East, Boise Meridian.

Parcel Three

Lot 10, Block 2, Kachina Estates, **COUNTY OF ADA**, State of Idaho.

Parcel Four

Ada County real property attached as Exhibit "B" and incorporated by reference herein.

VEHICLES, BOATS, MOTORCYCLES AND TRAILERS

For each item that is titled, include the year, make, model, and identification number.

BANK CHECKING AND SAVINGS ACCOUNTS

Include the name, address and account number for each.

Veibell, Amanda

From: claire wieber <clairewieber@gmail.com>
Sent: Thursday, November 14, 2019 12:22 PM
To: Veibell, Amanda
Subject: water right 65-7091
Attachments: Bergey trust papers-2.pdf; Bergey trust papers-1.pdf

Hi, I found these papers with dads trust info. One scan is upside down hope it still can work. Please let me know one way or the other if this will close up the chain of title problem. Thank you - Claire Bergey Wieber



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

November 18, 2019

CLAIRE BERGEY WIEBER
1472 FRONT NINE DR
FORT COLLINS CO 80525-9466

Re: Change in Ownership for Water Right No(s): 65-7091

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) 287-4802.

Sincerely,

Amanda Veibell
Office Specialist 2

Enclosure(s)