

JUL 12 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLM / 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?
98-7869	Yes ☐	Yes ☐		Yes ☐	Yes ☐
98-7870	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: David G. Foust and Phyllis F. Foust
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): The David G. Foust and Phyllis F. Foust Revocable Inter Vivos Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

601 Ushar Lane Bonniers Ferry ID 83805
Mailing address City State ZIP
208-290-1391 Pfoust12@live.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: 7869 11/30/2007 & 7870 11/13/2001

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: David G. Foust
Signature of new owner/claimant

David G. Foust as Trustee of the David G. Foust and Phyllis F. Foust Revocable Inter Vivos Trust 6/25/19
Title, if applicable Date
Phyllis F. Foust as Trustee of the David G. Foust and Phyllis F. Foust Revocable Inter Vivos Trust 6/25/19
Title, if applicable Date

For IDWR Office Use Only:

Received by NS Date 7-12-19 Receipt No. N035187 Receipt Amt. \$5000
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 7-12-19



Thomas A. Bushnell
ATTORNEY AT LAW, P.A.

BUSHNELL LAW
6430 Kootenai Street
PO Box 1833 (mailing address)
Bonners Ferry, ID 83805
Phone: (208) 267-9321
Fax: (208) 946-5714
BoundaryCountyLaw@gmail.com
BoundaryCountyLaw.com
Licensed in ID, WA & CA

Wednesday July 10, 2019

Idaho Department of Water Resources
7600 N. Mineral Dr Ste 100
Coeur D'Alene, ID 83815-7763

Re: Water rights transfer

Greeting

Find enclosed the paperwork for the transfer of water rights for David & Phillis Foust to their Trust. Once completed please return the recorded document to our office in the self-addressed and stamped envelope. Thank you for your assistance on the phone concerning the requirements on this matter. Items 1-3 of enclosures are the documents you requested for verification. If I have missed anything, please feel free to call 208.267.9321 Ext. 100 or E-mail BoundaryCountyLaw@gmail.com.

Have a blessed day

Bonny Dolly

Enclosure[s]:

1. Water Rights Notice of Change in Water right ownership Form
2. The Quit claim deeds [2]
3. The Certification of Trust
4. Check #1906 For \$50 [\$25 each for each water right [2]
5. Return addressed stamped envelope

278114

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

THOMAS A. BUSHNELL
ATTORNEY AT LAW, PA
P.O. Box 1833
Bonners Ferry, ID 83805

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Bushnell Law
on 6/19/2019 at 11:10 am
Glenda Poston
County Recorder [Signature]
By Deputy
Fee \$ 15.00 charge
Mail to TAB

[Space Above For Recorder's Use Only]

QUITCLAIM DEED

For the consideration of ten dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged **DAVID FOUST and PHYLLIS FOUST** ("Grantors"), hereby release and forever quitclaim unto **DAVID G. FOUST and PHYLLIS F. FOUST** as Trustees of **THE DAVID G. FOUST and PHYLLIS F. FOUST REVOCABLE INTER VIVOS TRUST** ("Grantees"), whose address is 601 Usher Lane Bonners Ferry, Idaho 83805 and its heirs and assigns forever, all right, title and interest which Grantor now has or may hereafter acquire in the following described real property situated in Boundary County, State of Idaho, to-wit:

A tract of land in the Southeast Quarter of the Southwest Quarter of Section 1, Township 62 North, Range 1 East of Boise Meridian, Boundary County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the Southeast Quarter of the Southwest Quarter of said Section 1, marked by a brass cap stamped RLS 974; thence, along the east line of the Southeast Quarter of the Southwest Quarter, N 00°33'51" E, 1110.06 feet, to the Southeast corner of that property described in Instrument No. 130392, thence, along the south line of Instrument No. 130392, N 89°39'48" W, 206.75 feet, to the Southwest corner of Instrument No. 130392; thence, along the west line of Instrument No. 130392, N 00°33'51" E, 208.75 feet, to the north line of the Southeast Quarter of the Southwest Quarter; thence, along said north line, N 89°39'48" W, 411.40 feet; thence S 00°48'46" W, 1319.28 feet, to the South line of the Southeast Quarter of the Southwest Quarter; thence, along said south line, S 89°42'13" E, 625.87 feet, to the TRUE POINT OF BEGINNING.

COPY

LESS

A tract of land in the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) of Section One (1), Township Sixty-Two (62) North, Range One (1) East, of the Boise Meridian, Boundary County, Idaho; more particularly describes as follows:

Beginning at a point on the north line of the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) of said Section One (1) that is the northwest corner of that tract described in Instrument Number 130392, said point being North 89 degrees 39'59" West, 208.75 feet from the northeast corner of said Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼); thence, along said north line, North 89 degrees 39'59" West 50 feet; thence, parallel to the east line of said Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) South 00 degrees 34'06" West 208.75 feet; thence parallel to said north line, South 89 degree 39'59" East, 50.00 feet to the southwest corner of that tract described in Instrument Number 130392; thence, along the west line of that tract described in Instrument Number 130392, North 00 degrees 34'06" East, 208.75 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record.

TO HAVE AND TO HOLD 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 Grantee, and to Grantee's heirs and assigns forever.

WITNESS the hand of said Grantors this 19th day of June, 2019.

David G. Foust
DAVID G. FOUST

Phyllis F. Foust
PHYLLIS F. FOUST

278114

STATE OF IDAHO :
:SS
COUNTY OF BOUNDARY :

On this 19th day of June, 2019, before me, Notary Public of said state of Idaho, personally appeared, **DAVID G. FOUST and PHYLLIS F. FOUST**, known or identified to me to be the people 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 affixed my official seal the day and year in this certificate first above written.



Thomas A. Bushnell
Notary Public for the State of Idaho
Residing in Boundary County
My Comm. Expires: 10/13/2022

78113

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

THOMAS A. BUSHNELL
ATTORNEY AT LAW, PA
P.O. Box 1833
Bonners Ferry, ID 83805

STATE OF IDAHO }
County of Boundary } SS.
Filed by: Bushnell Law
on 6/19/2019 at 11:10 am
Glenda Poston
County Recorder P. Barta
By Deputy
Fee \$ 15.00 chg
Mail to TAB

[Space Above For Recorder's Use Only]

QUITCLAIM DEED

For the consideration of ten dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged **DAVID G. FOUST and PHILLIS F. FOUST** ("Grantors"), hereby release and forever quitclaim unto **DAVID G. FOUST and PHILLIS F. FOUST** as Trustees of **THE DAVID G. FOUST and PHILLIS F. FOUST REVOCABLE INTER VIVOS TRUST** ("Grantees"), whose address is 601 Usher Lane Bonners Ferry, Idaho 83805 and its heirs and assigns forever, all right, title and interest which Grantor now has or may hereafter acquire in the following described real property situated in Boundary County, State of Idaho, to-wit:

The North Half of the Southeast Quarter of Section 1, Township 62 North, Range 1 East, Boise Meridian, Boundary County, Idaho,

Less BEGINNING at a point on the west line of the Northwest Quarter of the Southeast Quarter of Section 1, which is North 00 degrees 34'06" East, 88.99 feet from the southwest corner of said Quarter; thence North 00 degrees 34'06" East along the west line of said Quarter 434.30 feet; thence South 89 degrees 25'54" East, 100.30 feet; thence South 00 degrees 34'06" West, 434.40 feet; thence North 89 degrees 25'54" West, 100.30 feet, to the TRUE POINT OF BEGINNING.

TOGETHER WITH and SUBJECT TO an easement for ingress and egress and utilities over and across the existing road as described in Instruments Nos. 150220 and 152929 and 152930.

ALSO TOGETHER WITH an easement over and across the existing Old Logging Road.

COPY

LESS

A rectangular tract of land in Boundary County, Idaho, being a part of the North Half of the South Quarter (N $\frac{1}{2}$ S $\frac{1}{4}$) of Section 1, (1) Township Sixty-two (62) North, Range One (1) East, B.P.M., containing 1.000 acres, more or less, and more particularly described as follows:

Beginning at an iron pin reported to mark the Southwest corner of that tract of record per Instrument No. 133678, which bears South 89 degrees 51' 59" East, 3,117.71 feet (record) from the Southwest corner of the North Half (N $\frac{1}{2}$) of Section One (1), Township Sixty-two (62) North, Range One (1) East, B. P.M., (W $\frac{1}{4}$ corner); thence, from said point of beginning South 89 degrees 51' 50" East, 100.00 feet along the South line of said Instrument No. 133678 and the southerly boundary of the South Half of the South Half of the North Half (S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$) of said Section One (1) to an iron pin reported to mark the Southeast corner of said tract of record; thence, continuing along said line South 89 degrees 51' 59" East, 108.71 feet to an 5/8 inch dia. rebar capped: KED 3980; thence, south 00 degrees 08' 01" East 208.71 feet to a 5/8 inch dia. rebar capped: KED 3980; thence, North 89 degrees 51' 59" West 208.71 feet parallel with said southerly boundary of the South Half of the South Half of the North Half (S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$) of said Section One (1) to a 5/8 inch dia. rebar capped: KED 3980; thence, North 00 degrees 08' 01" East, 208.71 feet to the point of beginning.

ALSO LESS

A tract of land in the Northwest Quarter of the Southeast Quarter of Section 1, Township 62 North, Range 1 East, of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of the Southeast Quarter; thence North 00°34'06" East along the west line of said Northwest Quarter of the Southeast Quarter 88.99 feet; thence South 89°25'54" East, 100.30 feet; thence South 00°34'06" West, 88.99 feet, to a point on the South line of the Northwest Quarter of the Southeast Quarter of said Section 1; thence Westerly along the South line of said Northwest Quarter of the Southeast, 100.30 feet more or less, to the TRUE POINT OF BEGINNING.

There are to be no locked gates on the premises.

Grantor reserves unto themselves all timber.

ALSO LESS

A tract of land in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, Township 62 North, Range 1 East, Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Beginning at the Southwest Corner (SW) of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, according to that Record of Survey filed in Book No. 5 of Surveys on Page 20 as Instrument No. 207256; thence N 00°34'06" E along the West Line of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, 88.99 feet to the Southwest (SW) Corner of that certain One Acre Parcel described in Warranty Deed filed in Boundary County records as Instrument No. 201957 as shown on said Record of Survey; thence continuing N 00°34'06" E along the West Lines of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1 and that One Acre Parcel described in Warranty Deed, Instrument No. 201957, 434.30 feet to the Northwest (NW) Corner of said One Acre Parcel and the TRUE POINT OF BEGINNING of the tract of land herein being described; thence continuing N 00° 34' 06" E along said West Line of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, 50.00 feet; thence S 89°25'54" E, 150.30 feet; thence S00°34'06" W, 150.00 feet, thence N 89° 25'54"W, 50.00 feet to the East Line of said One Acre Parcel; thence N 00°34'06"E along said East Line, 100.00 feet to the Northeast (NE) Corner of said One Acre Parcel; thence N 89°25'54"W along the North Line of said One Acre Parcel, 100.30 feet to the TRUE POINT OF BEGINNING. Grantors reserves unto themselves all timber.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record.

TO HAVE AND TO HOLD 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 Grantee, and to Grantee's heirs and assigns forever.

278113

WITNESS the hand of said Grantors this 19th day of June, 2019.

David G. Foust
DAVID G. FOUST

Phyllis F. Foust
PHILLIS F. FOUST

STATE OF IDAHO :
:SS
COUNTY OF BOUNDARY :

On this 19th day of June, 2019, before me, Notary Public of said state of Idaho, personally appeared, **DAVID G. FOUST and PHILLIS F. FOUST**, known or identified to me to be the people 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 affixed my official seal the day and year in this certificate first above written.



Thomas A. Bushnell
Notary Public for the State of Idaho
Residing in Boundary County
My Comm. Expires: 10/13/2022

THOMAS A. BUSHNELL
ATTORNEY AT LAW, PA.
P.O. BOX 1833
BONNERS FERRY, ID 83805

Phone: (208) 267-9321
Fax: (208) 946-5714
ISBA# 9163

CERTIFICATION OF TRUST

(Idaho Code 68-115)

STATE OF IDAHO :
: ss
COUNTY OF BOUNDARY :

THE UNDERSIGNED TRUSTEES of **THE DAVID G. FOUST and PHYLLIS F. FOUST REVOCABLE INTER VIVOS TRUST**, being first duly sworn or affirming under penalties of perjury, depose and say:

1. **EXSISTENCE OF TRUST.**

The trust is valid and in current force and effect. The Trust is revocable living trust which was executed on the 5th day of June 2019 and has not since that time been amended.

2. **IDENTITY OF GRANTORS (SETTLORS).**

The Grantors (Settlors) of the trust are: **DAVID G. FOUST and PHYLLIS F. FOUST.**

3. **CURRENTLY ACTING TRUSTEES.**

The currently acting Trustees are: **DAVID G. FOUST and PHYLLIS F. FOUST.**

4. **POWERS OF TRUSTEES.**

The Trustees certify that they have the following powers with respect to the Trust. All the powers granted to trustees under the laws of the State of Idaho, without limitation.

5. **AUTHORIZED SIGNER.** The Trustees

Are not prohibited from delegating duties to an agent under the Trust.

6. **RESTRICTIONS ON TRUSTEE'S AUTHORITY.**

There are no restrictions imposed upon the Trustees in dealing with the assets of the Trust.

7. **REVOCABILITY/IRREVOCABILITY OF THE TRUST.**

The Trust is Revocable. The Settllors/Grantors holds the power to revoke the Trust.

8. **AUTHORITY OF TRUSTEES.**

The currently-acting Trustees may act to exercise the identified powers of the Trustees, including but not limited to, executing any instrument, such as a deed or other conveyance, mortgage, contract, receipt or check.

9. **SUCCESSOR TRUSTEES.**

TAMARA ZOEANN BRINK is the First Successor trustee of the Trust. In the event that **TAMARA ZOEANN BRINK** has died or has become unwilling or incapable of continuing to perform his or her duties as Trustee, then **MICHAEL RAY HITTLE** is appointed as Second Successor Trustee.

10. **IDENTIFYING NUMBER.**

The tax payer identification number of the Trust is:

☒ Social Security Number 519-60-9508

☐ Employer Identification [EIN] Number _____

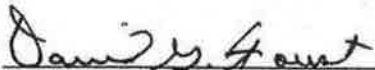
11. **TITLE TO TRUST ASSETS.**

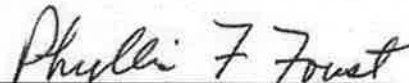
Title to assets of the Trust is to be taken in the following form: **DAVID G. FOUST and PHYLLIS F. FOUST** as Trustees of **THE DAVID G. FOUST and PHYLLIS F. FOUST REVOCABLE INTER VIVOS TRUST.**

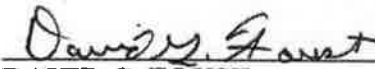
12. **ACKNOWLEDGEMENT AND INDEMNIFICATION.**

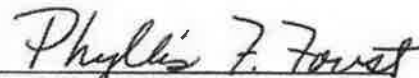
The Trust has not been revoked, modified or amended to make representations in the CERTIFICATION OF TRUST incorrect. The undersigned hereby certifies to the recipient of this CERTIFICATION OF TRUST that the information contained herein is correct and that the recipient may rely on the foregoing information in opening any account, deposit or other financial and/or banking relationship with such Trust until receipt of written notice or any change of the foregoing from the Trustees. The undersigned acknowledges that the recipient has not received a copy of the Trust Agreement and the Bank shall be entitled to act on the instructions of the Trustees with respect to the account in accordance with the terms and provisions of this CERTIFICATION OF TRUST. The Trustees hereby accepts any and all pre-authorizations given for automatic drafts and debits.

FURTHER AFFIANTS SAY NAUGHT.


DAVID G. FOUST
Settlor


PHYLLIS F. FOUST
Settlor


DAVID G. FOUST
Trustee


PHYLLIS F. FOUST
Trustee

SUBSCRIBED AND SWORN to before me this 5th day of June, 2019, by **DAVID G. FOUST and PHYLLIS F. FOUST**, who have proven to me on the basis of satisfactory evidence to be the original Settlers and Trustees of **THE DAVID G. FOUST and PHYLLIS F. FOUST REVOCABLE INTER VIVOS TRUST** and the people whose names are subscribed to within this instrument and acknowledged to me that they executed the same in their authorized capacity as Original Settlers and Trustees of the Trust.



Thomas A. Bushnell

NOTARY PUBLIC for the State of Idaho

Residing in Boundary County

My Commission Expires: 10/13/2022



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

July 12, 2019

THE DAVID G FOUST & PHYLLIS F FOUST
REVOCABLE INTER VIVOS TRUST
601 USHER LN
BONNERS FERRY ID 83805-5977

Re: Change in Ownership for Water Right No(s): 98-7869 & 98-7870

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

Enclosure(s)