

OCT 13 2016

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?
91-7058	Yes ☐	Yes ☐	91-4025	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
91-7058 / 91-7928	Yes ☐	Yes ☐	91-4025 / 91-7929	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: AVERY SCHOOL DISTRICT #394

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): KLONOWSKI FAMILY LIVING TRUST

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☒ and/or

PO Box 70

Avery

ID

83802

Mailing address

City

State

ZIP

208-245-2450

katklo@yahoo.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: DEC 09, 2015

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.

SUPPORT DATA

IN FILE # 91-4025

8. Signature: Rachel Klonowski Trustee 09/12/2016
Signature of new owner/claimant Title, if applicable Date
- Signature: Kathy Halladay Trustee 09/12/2016
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by db Date 10/13/16 Receipt No. N032226 Receipt Amt. \$50.00

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 _____

NS 3-10-17 N032436 \$75.00
NS 3-24-17 N032462 \$75.00

Bearmouth Logging Inc.
45N05E-15-2450

NATIONAL FOREST HWY 50

ST. JOE RIVER

RIVER

370 Old River Rd.
Avery, ID 83802

MILWAUKEE WAY

SEARS OLD RIVER

45N05E-15

Klonowski Family Living Trust
45N05E-15-4250

Klonowski Family Living Trust
45N05E-15-4285

Lawrence M. Branson
45N05E-15-4275

Tunnel Brothers Trust
45N05E-15-4325

RCR Idaho Properties, LLC
45N05E-15-4300
22 THERIAULT DR

RCR Idaho Properties, LLC
45N05E-15-4600

RCR Idaho Properties, LLC
45N05E-15-4600

Daryl Weyen, Molly McConkey, Riley Gellner, Eleanor McConkey
45N05E-15-4500
36 DOOLEY DR

John A. & Cynthia A. Moe
45N05E-15-4225
13 DOOLEY DR

KELLEY CREEK

RECEIVED
OCT 13 2018
IDWR / NORTH

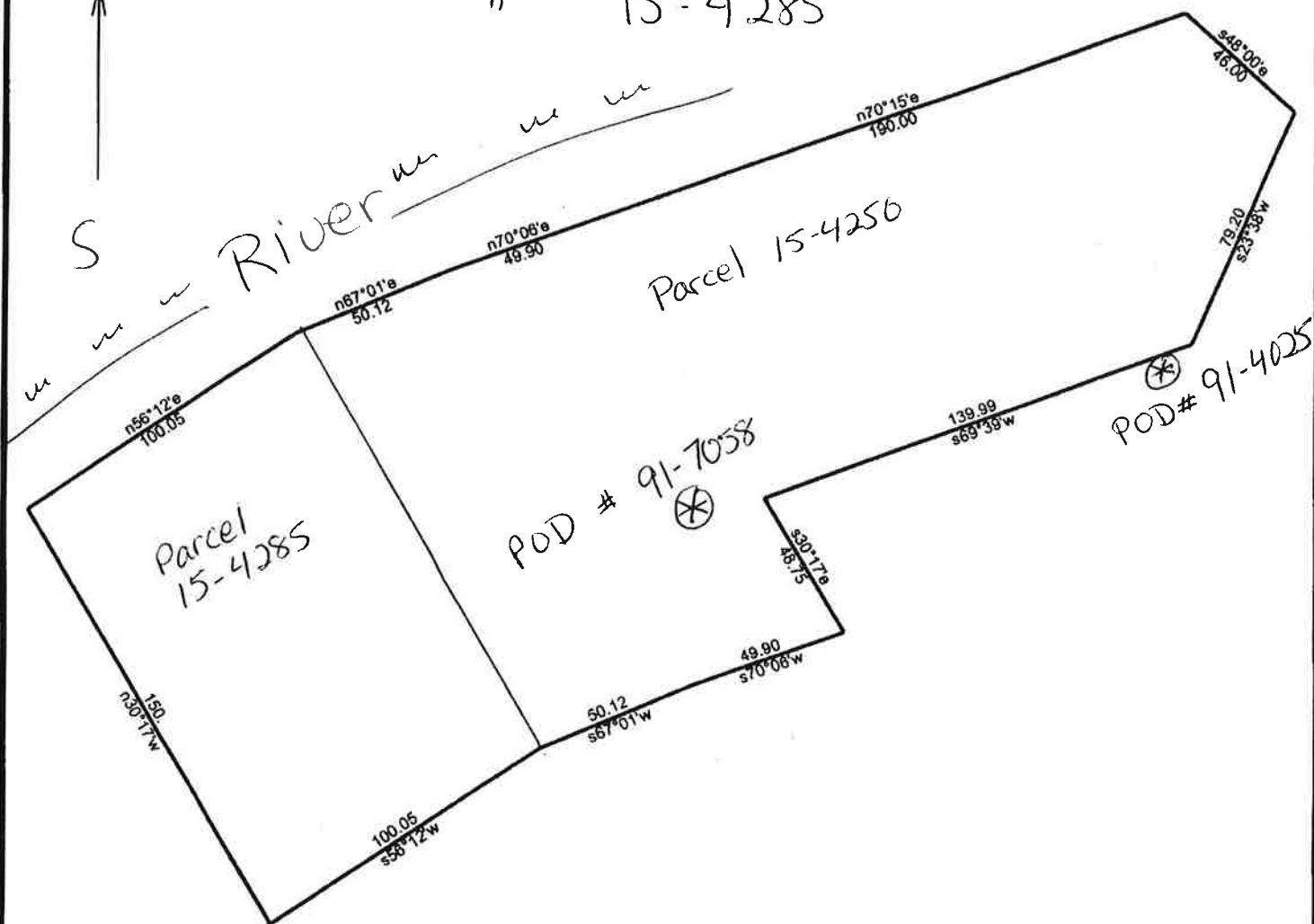
RECEIVED

OCT 13 2016

IDWR / NORTH

KLONOWSKI FAMILY LIVING TRUST

Parcels 45N05E-15-4250
" 15-4285



This sketch is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability for inaccuracies therein.

2/1/2016

Scale: 1 inch = 51 feet

File:

Tract 1: 1.0974 Acres (47803 Sq. Feet), Closure: n70.0347e 1.12 ft. (1/942), Perimeter=1054 ft.

01 n30.17w 150.
02 n56.12e 100.05
03 n67.01e 50.12
04 n70.06e 49.90
05 n70.15e 190.00
06 s48.00e 46.00
07 s23.38w 79.20
08 s69.39w 139.99
09 s30.17e 48.75

10 s70.06w 49.90
11 s67.01w 50.12
12 s56.12w 100.05

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company

831 Main Avenue

St. Marys, ID 83861

RECEIVED

OCT 13 2016

IDWR / NORTH

483361

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **568228-SM (ps)**

Date: **November 21, 2015**

For Value Received, **Avery School District #394, who acquired title as School District #394, Independent Class B School District #394 and School District #10, an Idaho corporate politic**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Randal Klonowski and Kathy Halladay, Trustees of Klonowski Family Living Trust, dated November 17, 2015**, hereinafter called the Grantee, whose current address is **370 Old River Rd, Avery, ID 83802**, the following described premises, situated in **Shoshone County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

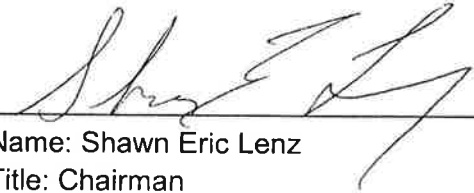
483361

Date: 11/21/2015

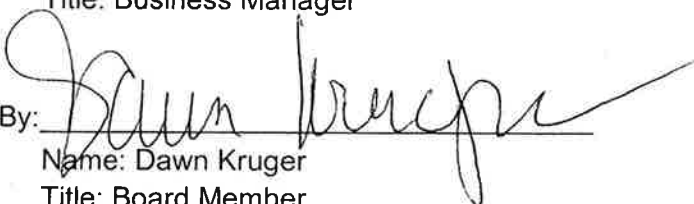
Warranty Deed
- continued

File No.: 568228-SM (ps)

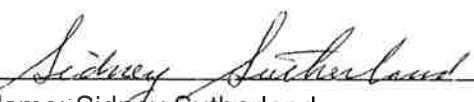
Avery School District #394, who acquired title
as School District #394, Independent Class B
School District #394 and School District #10

By: 
Name: Shawn Eric Lenz
Title: Chairman

By: 
Name: Sheila Cottier
Title: Business Manager

By: 
Name: Dawn Kruger
Title: Board Member

By: 
Name: Charles Barnes
Title: Board Member

By: 
Name: Sidney Sutherland
Title: Board Member

483361

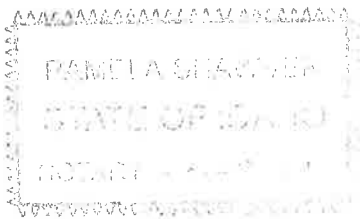
Date: 11/21/2015

Warranty Deed
- continued

File No.: 568228-SM (ps)

STATE OF Idaho)
SS.
COUNTY OF Benewah)

On this 3rd day of December 2015, before me, a Notary Public in and for said State, personally appeared **Shawn Eric Lenz, Sheila Cottier, Dawn Kruger, Charles Barnes and Sidney Sutherland**, known or identified to me, to be the **Chairman, Business Manager, Board Member, Board Member, Board Member** of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Pamela Shawver

Notary Public of Idaho
Residing at: St. Maries
Commission Expires: 1-20-2016

Date: 11/21/2015

Warranty Deed
- continued

File No.: 568228-SM (ps)

EXHIBIT A

A tract of land situated in Government Lot Six (6), Section Fifteen (15), Township Forty—five (45) North, Range Five (5) East, Boise Meridian, Shoshone County, Idaho, more particularly described as follows:

Beginning at a point whence the West 1/4 Section Corner of Section 15, Township 45 North, Range 5 East, Boise Meridian, bears South 49°02'18.8" West, 2261.91 feet distant; thence

North 30°17'56.4" West, 150 feet distant; thence

North 56°12'32" East, 100.05 feet distant; thence

North 67°01'58" East, 50.12 feet distant; thence

North 70°06'44.5" East, 49.90 feet distant; thence

North 70°15'41.4" East, 190.00 feet distant; thence

South 48°00'29.5" East, 46.00 feet distant; thence

South 23°38'41" West, 79.20 feet distant; thence

South 69°39'24" West, 138.88 feet distant; thence

South 30°17'56.4" East (shown of record as South 30°17'56.4" West), 48.75 feet distant; thence

South 70°06'44.5" West, 49.90 feet distant; thence

South 67°01'58" West, 50.12 feet distant; thence

South 56°12'32" West, 100.05 feet distant to the Point of Beginning.

483361
Instrument # 483361
WALLACE, SHOSHONE COUNTY, IDAHO
12-9-2015 02:24:00 PM No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE CO.
PEGGY DELANGE-WHITE Fee: 19.00
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

2015 DEC 9 PM 2 24

RECEIVED

OCT 13 2016

IDWR / NORTH

QUITCLAIM DEED

THIS INDENTURE, made the 31st day of May, A. D. 1951, between
HAROLD E. THERIAULT and FRANCES W. THERIAULT, his wife, formerly
of Avery, County of Shoshone, State of Idaho, the parties of the first
part, and COMMON SCHOOL DISTRICT NO. 10, SHOSHONE COUNTY, IDAHO,
County of Shoshone, State of Idaho, the parties of the second part,
Witnesseth, that the said parties of the first part, for and in consideration of the sum of Seven Hundred
and Fifty (\$750.00) Dollars, lawful money of the United States of America to them
in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby
covenant, remise, release and forever quitclaim unto the said party of the second part, and
the following described real property, to wit: all of the first parties' right, title and
interest in and to the waters of that certain stream which is commonly
known as and called Theriault Creek, a tributary of the St. Joe River,
near the Town of Avery, Shoshone County, Idaho, together with all of
the first parties' right, title and interest in and to the log dam on
said stream and in and to any and all pipelines which have heretofore
been and are now being used for the purpose of conveying water from
said dam for domestic use by persons residing in the North Half of the
Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Fifteen (15), Township Forty-
five (45) North, Range Five (5) E.B.M.

STATE OF IDAHO, }
County of Shoshone, } ss.

On this 31st day of May, 1951, before me, the undersigned,
a Notary Public in and for said state aforesaid, personally appeared HAROLD E. THERIAULT
FRANCES W. THERIAULT and
(his wife), personally known to me to be the person, who signed the within instrument, and acknowledged to me that
he executed the same.

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

Marie B. Ringel

Notary Public in and for the state of Idaho,
residing at Wallace, Idaho

Quitclaim Deed

HAROLD E. THERIAULT and
FRANCES W. THERIAULT,
his wife,

-70-

COMMON SCHOOL DISTRICT NO.
10, SHOSHONE COUNTY,
IDAHO.

Dated May 31, 1951.

Recorded at the request of

at Minutes past o'clock M.,

in Book of

page Records of Shoshone County,

State of Idaho.

Recorder.

By Deputy.

Printed and for sale by
THE WALLACE MINER
Wallace, Idaho

RECEIVED

OCT 13 2016

IDWR / NORTH

486887

Prepared By:

|

AVERY SCHOOL DISTRICT #394

|

PO BOX 7

|

AVERY, Idaho 83802

|

|

|

After Recording Return To:

|

KLONOWSKI FAMILY LIVING TRUST

|

370 Old River Rd

|

Avery, Idaho 83802

|

|

486887

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

On September 12, 2016 THE GRANTOR(S),

- Avery School District #394, who acquired title as Common School District #10, Sheila Cottier, Business Manager,

for and in consideration of: One Dollar (\$1.00) and/or other good and valuable consideration conveys, releases and quitclaims to the GRANTEE(S):

- KLONOWSKI FAMILY LIVING TRUST, Randal Klonowski and Kathy Halladay, Trustees, residing at 370 Old River Rd, Avery, Shoshone County, Idaho 83802

the following described property, situated in an unincorporated area in the County of SHOSHONE, State of Idaho, together with all after acquired title of the Grantor(s) therein:

Legal Description: all of the first parties' right, title and interest in and to the waters of that certain stream which is commonly known as and called Theriault Creek, a tributary of the St. Joe River, near the Town of Avery, Shoshone County, Idaho, together with all of the first parties' right, title and interest in and to the log dam on said stream and in and to any and all pipelines which have heretofore been and are now being used for the purpose of conveying water from said dam for domestic and/or irrigation use by persons residing in the North half of the Northwest Quarter (N1/2 NW1/4) of Section Fifteen (15), Township Forty-five (45) North, Range Five (5). Quitclaim deed dated 31st of May, 1951.

486887

Legal Description aka: Idaho Department of Water Resources Water Right 91-4025
Therault Creek L6 (NENW), Sec. 15, Twp 45N, Rge 05E, Shoshone County.

Grantor does hereby convey, release and quitclaim all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee(s), and to the Grantee(s) heirs, it's successors and assigns forever, so that neither Grantor(s) nor Grantor's heirs, legal representatives or assigns shall have, claim or demand any right or title to the property, premises, or appurtenances, or any part thereof.

Mail Tax Statements To:
KLONOWSKI FAMILY LIVING TRUST
370 Old River Rd
Avery, Idaho 83802

[SIGNATURE PAGE FOLLOWS]

Grantor Signatures:

486887

DATED: 09/16/16

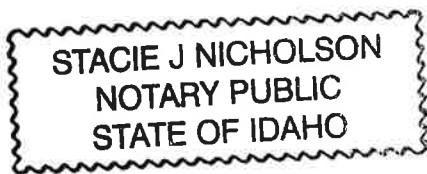
Sheila Cottier

Sheila Cottier, Business Manager, on behalf of Avery School District #394, who acquired title as
Common School District #10

STATE OF IDAHO, COUNTY OF SHOSHONE, ss:

On this 16 day of September, 2016, before me,
Stacie J Nicholson, personally appeared Sheila Cottier, Business
Manager, on behalf of Avery School District #394, who acquired title as Common School District
#10, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the
within instrument and acknowledged that they executed the same as for the purposes therein
contained.

In witness whereof I hereunto set my hand and
official seal.



Stacie J Nicholson
Notary Public
Notary Public for Idaho
Title (and Rank)

My commission expires Sept 17, 2019

Notary Address:

729 Main Ave
St. Maries ID 83801

KLONOWSKI FAMILY LIVING TRUST
370 OLD RIVER ROAD
AVERY, ID 83802

486887 '16 OCT 3 PM 4:24

Instrument # 486887

WALLACE, SHOSHONE COUNTY, IDAHO

10-3-2016 04:24:00 PM No. of Pages: 5

Recorded for : RANDAL KLONOWSKI

PEGGY DELANGE-WHITE Fee: 22.00

Ex-Officio Recorder Deputy

Index to: QUITCLAIM DEED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 9, 2017

AVERY SCHOOL DISTRICT #394
PO BOX 7
AVERY, ID 83802

RE: Change in Water Right Ownership: 91-40²⁵~~58~~ (Split into 91-40²⁵~~58~~ and 91-7929)
91-7058 (Split into 91-7058 and 91-7928)

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, a new water right number is issued to the new owner representing their portion of the original water right. Each water right contains only the portion of the original right for each separate owner. The original water right number reflects your remaining portion of the water right, after the change of ownership. Enclosed is a copy of this water right for your records. Please refer to your water right number when corresponding with our office.

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 validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the water right has been 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 72-223, Idaho Code.

If you have any questions concerning this ownership change, or the enclosed information, please contact me at 208.762.2800.

Sincerely,

Natalie Steading
Technical Records Specialist I

Enclosure