

STATE 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?
91-7727	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: Tony Terry Lmt.

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Phillip John & Sharon Jane Babinski

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

5621 N. Fruit Hill Rd.

Spokane

WA

99217

Mailing address

City

State

ZIP

509-475-0918

sharonbee8@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: June 29, 2016

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: Phillip John Babinski
 Signature of new owner/claimant Title, if applicable

Oct. 20, 2017
 Date

Signature: Sharon Jane Babinski
 Signature of new owner/claimant Title, if applicable

Oct. 20, 2017
 Date

For IDWR Office Use Only:

Received by JA Date 10/20/17 Receipt No. N032996 Receipt Amt. 25⁰⁰
 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 JA Date 11-21-17

EXHIBIT A

All Tax No. 366, further described as follows:

A parcel of land being part of Government Lot 2 in Section 8, Township 46 North, Range 2 West B.M., records of Benewah County, Idaho, lying between the Right of Way of Highway 95 A, and the St. Joe River, bounded on the East by the East line of Lot 2 and being 390 feet in length Westerly to the point of intersection of the Right of Way of Highway 95 A and the St. Joe River;

and

A portion of Tax No. 222, in Section 8, further described as follows:

A strip of land lying over and across Lot 1, in Section 8, Township 46 North, Range 2 West, B.M., records of Benewah County, Idaho;

Beginning at the Southwest corner of Lot 1, thence Northeast along the North bank of the St. Joe River 398 feet to a point, thence North 12 feet to the South Right of Way line of Hwy. 95 (Alt.) thence West along the Right of Way line 447 feet to a point, thence South along the West line of Lot 1, 36 feet to point of beginning, excepting the East 252 feet.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
831 Main Avenue
St. Maries, ID 83861

**ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.**

RECEIVED
2016 Jul 06 PM 04 18
BENEWAH COUNTY
DEANNA BRAMBLETT, CLERK
274606
FIRST AMERICAN TITLE - SAIN
FEES:\$ 16.00

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **596977-SM (ps)**

Date: **June 29, 2016**

For Value Received, **Tony Terry Trustee of the Tony Terry Ltd. Employee's Profit Sharing Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Phillip John Babinski and Sharon Jane Babinski, husband and wife**, hereinafter called the Grantee, whose current address is **5621 N Fruit Hill Rd, Spokane, WA 99217**, the following described premises, situated in **Benewah 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.



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

November 21, 2017

PHILLIP JOHN & SHARON JANE BABINSKI
5621 N FRUIT HILL RD
SPOKANE WA 99217

Re: Change of Ownership for Water Right/Permit No(s): 91-7727

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership 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 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 § 42-222 and §42-223, Idaho Code.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact THE Northern Region Office at (208) 762-2800.

Sincerely,

Tammy Alleman
Administrative Assistant

Enclosure(s)