

RECEIVED

JAN 30 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 20 2017

Department of Water Resources
Eastern Region

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?
74-321Q	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: Steve Lish
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Joan R. Nelson
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- P.O. Box 266 Wisdom MT 59767
Mailing address City State ZIP
(406) 689-3181 ghaviland@wordenthane.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: July 26, 2013
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: Joan R. Nelson 12-30-16
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 _____ Date 1-20-17 Receipt No. E042698 Receipt Amt. 25
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 [Signature] Date 2-13-17

Warranty Deed

For Value Received STEVE LISH, a married man, dealing with his sole and Separate property,

the grantor, do hereby grant, bargain, sell and convey unto

JOHN H. NELSON AND JOAN R. NELSON,
Husband and wife,

whose current address is PO Box 266, Wisdom, MT 59767

the grantees, the following described premises, in Lemhi County Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO:

The above conveyance is made free and clear of all other encumbrances except: Rights-of-way and easements, reservation in Federal patents and State deeds, or other restrictions imposed by law, building and zoning regulations and ordinances of any governmental unit, whether of sight or of record.

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) 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 and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 9, 2013

STEVE LISH

TABITHA JOHNSTON-LISH

STATE OF Idaho, County of Lemhi--ss

On this 9 day of July 2013
before me, a notary public in and for said State, personally appeared

STEVE LISH AND TABITHA JOHNSTON-LISH,

Known or proved to me to be the person(s) whose name(s) is/are
subscribed to the within instrument, and acknowledged to me that
he/she/they has/have executed the same.

Residing at Salmon, Idaho
Comm. Expires 6-2-2018

Notary Public

Reserved for recording information

Instrument # 293942 # Pages: 2
LEMHI COUNTY, Idaho
Jul 26, 2013 10:03:32 am Fee: \$ 13.00
For: BILL ALLEN ESCROW
TERRI J. MORTON, Recorder
JEDWARDS Deputy

ALLIANCE

A parcel of land located in the N¹/₄ NW¹/₄, Section 15, T. 21 N., R. 22 E., B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of Section 15 from which the Northeast Corner of said Section 15 bears N. 89 Deg. 51'08" E., a distance of 458.52 feet on a bearing of N. 89 deg. 51'08" E. to a point on the Easterly right-of-way of Idaho State Highway No. 28; thence S. 54 deg. 08'47" E. 1007.47 feet to an existing fence corner; Thence N. 35 deg. 44'16" E., 289.96 feet to the REAL POINT OF BEGINNING.

Thence N. 35 deg. 44'16" E., 300.04 feet to a point on an existing fence;

Thence S. 54 deg. 04'03" E., 508.25 feet to a point on an existing fence;

Thence S. 35 deg. 47'16" W. 300.04 feet;

Thence N. 54 deg. 04'03" W., 508.02 feet to the REAL POINT OF BEGINNING, said parcel contains 3.50 acres. Together with all water and water rights ditch and ditch rights appertaining to said property.

The above conveyance is made free and clear of all other encumbrances except: Rights of way and easements, reservations in Federal patents and state deeds, or other restrictions imposed by law, building and use restrictions of record building and zoning regulations and ordinances of any governmental unit.

SUBJECT TO THE FOLLOWING:

1. No noxious or offensive activity shall be carried on upon any tract, nor shall anything be done thereon which may be of annoyance or nuisance to the neighborhood.
2. The keeping of pigs, and/or goats, and/or poultry is not to be allowed.

EXHIBIT A

AFFIDAVIT OF HEIRSHIP

STATE OF MONTANA)
County of Beaverhead)

Instrument # 299562 # Pages: 30
LEMHI COUNTY, Idaho
Jun 26, 2015 2:04:06 pm Fee: \$ 97.00
For: FRED SNOOK
TERRI J. MORTON, Recorder
TMORTON, Deputy

Joan R. Nelson of P.O. Box 266, Wisdom, Montana 59761, being first duly sworn and deposes and says:

- She is the surviving spouse of John H. Nelson, Deceased, who died at Butte, Montana on May 11, 2014 at the age of 77 years old, evidenced by a certified copy of death certificate attached hereto, leaving a will and leaving surviving her (Joan R. Nelson, the affiant) as his sole heir.
- At the time of his death, John H. Nelson was co-owner with Joan R. Nelson, of the following described real property located in Lemhi County, Idaho, more particularly described as follows:

See Attached Exhibit "A".

- That Joan R. Nelson is the surviving spouse of the decedent and that John H. Nelson and Joan R. Nelson were husband and wife on May 11, 2014, the date of decedent's death. **John and Joan were married July, 7, 1960. They purchased their Lemhi County real estate on July 9, 2013 from Steve Lish as per the Warranty Deed dated July 9, 2013 that is recorded as Instrument # 293942 records of Lemhi County.**

AFFIDAVIT OF HEIRSHIP P-1

- That the Estate of John H. Nelson, deceased is being probated in the State of Montana. It is in the **MONTANA FIFTH JUDICIAL DISTRICT COURT**

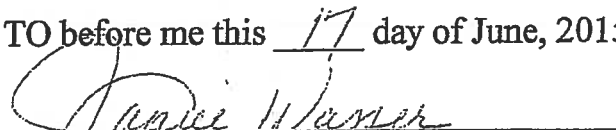
BEAVERHEAD COUNTY, Probate No. DP-14-5319. Joan Nelson was appointed in charge of said Estate and is the primary heir of said estate. An Authenticated/Exemplified copy of said Application and Appointment is attached. Joan R. Nelson, as the surviving spouse is entitled to exclusive ownership, custody and control of all the community property of the community of John H. Nelson and Joan R. Nelson, including the real property described above.

- Joan R. Nelson has assumed and will be liable for all indebtedness that might be a claim against the estate of the decedent and that the above described community property be and vested in his surviving spouse, **Joan R. Nelson of PO Box 266, Wisdom, MT 59761.**

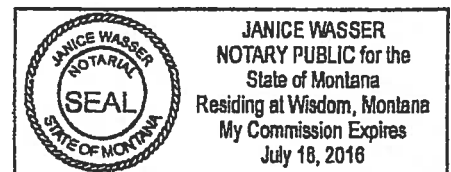
Dated this ____ day of June, 2015.


Joan R. Nelson
Affiant

SUBSCRIBED AND SWORN TO before me this 17 day of June, 2015.


Notary Public for Montana
Residing at _____
My Commission expires: _____

AFFIDAVIT OF HEIRSHIP P-2



265733

A parcel of land located in the NW¹/₄ Section 15, T. 21 N., R. 22 E., B.M., Lemhi County, Idaho, more particularly described as follows:
Commencing at the Northwest corner of Section 15 from which the Northeast Corner of said Section 15 bears N. 89 Deg. 51'08" E., a distance of 458.52 feet on a bearing of N. 89 deg. 51'08" E. to a point on the Easterly right-of-way of Idaho State Highway No. 28; thence S. 54 deg. 08'47" E. 1007.47 feet to an existing fence corner; Thence N. 35 deg. 44'16" E., 289.96 feet to the REAL POINT OF BEGINNING;
Thence N. 35 deg. 44'16" E., 300.04 feet to a point on an existing fence;
Thence S. 54 deg. 04'03" E., 508.25 feet to a point on an existing fence;
Thence S. 35 deg. 47'16" W. 300.04 feet;
Thence N. 54 deg. 04'03" W., 508.02 feet to the REAL POINT OF BEGINNING; said parcel contains 3.50 acres. Together with all water and water rights ditch and ditch rights appertaining to said property.

The above conveyance is made free and clear of all other encumbrances except: Rights of way and easements, reservations in Federal patents and state deeds, or other restrictions imposed by law, building and use restrictions of record building and zoning regulations and ordinances of any governmental unit.

SUBJECT TO THE FOLLOWING:

1. No noxious or offensive activity shall be carried on upon any tract, nor shall anything be done thereon which may be of annoyance or nuisance to the neighborhood.
2. The keeping of pigs, and/or goats, and/or poultry is not to be allowed.

EXHIBIT A

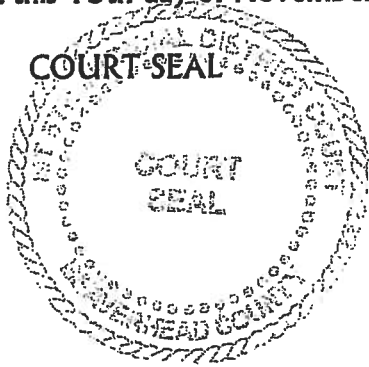
AUTHENTICATION/EXEMPLIFICATION

Ann Tucker
District Judge

STATE OF MONTANA,)
) ss.
County of Beaverhead)

I, Carly Jay Anderson, Clerk of the District Court of the Fifth Judicial District of the State of Montana, in and for the County of Beaverhead, do hereby certify that the Honorable Loren Tucker, who has signed the foregoing certificate, is the duly elected and qualified Judge of said Court, and that the signature of said Judge to said certificate is his genuine hand writing.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 13th day of November, 2014.



Carly Jay Anderson
Clerk of the District Court

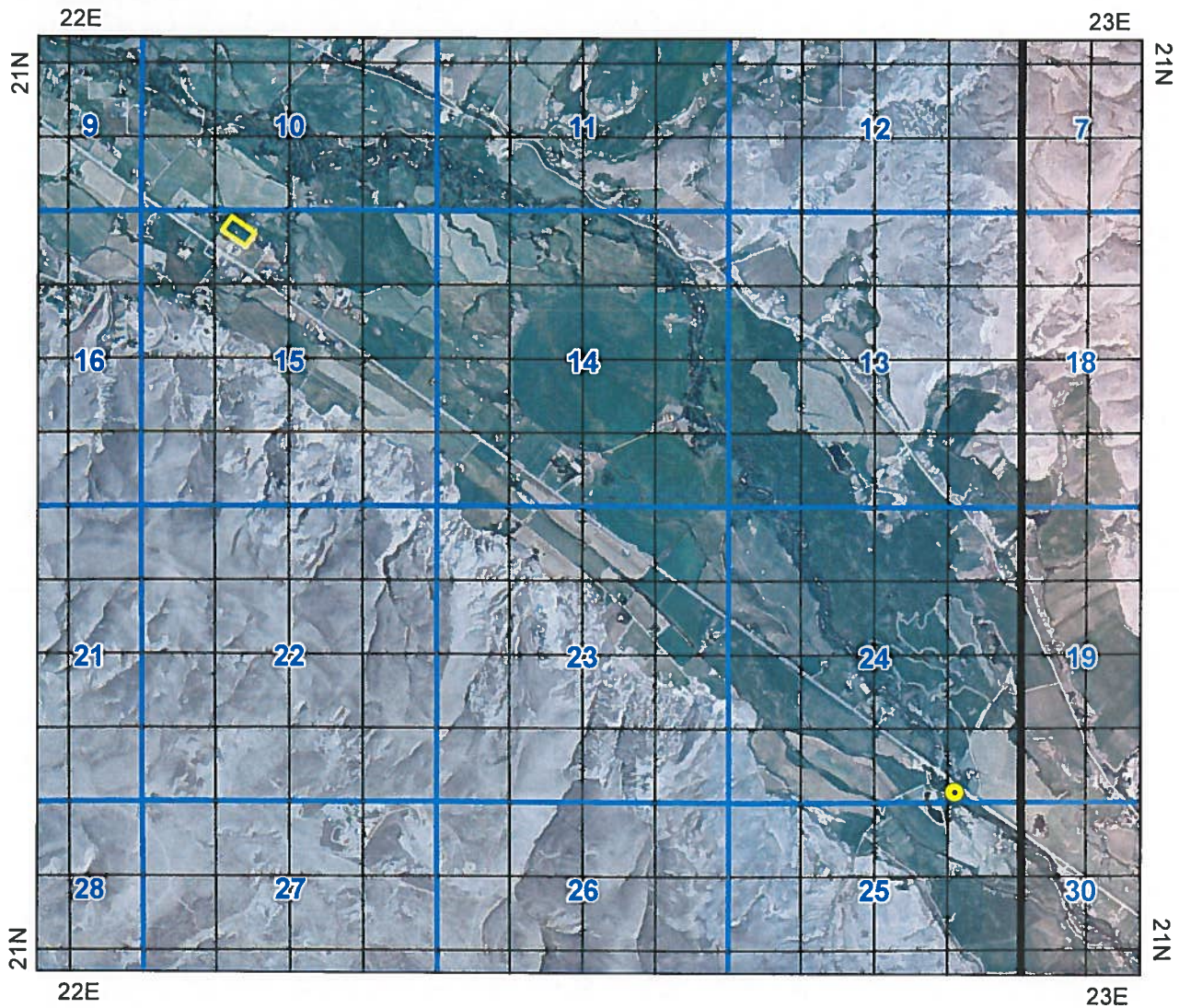
State of Idaho
Department of Water Resources

Water Right

74-321Q

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.375 0.75 1.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 13, 2017

JOAN R NELSON
PO BOX 266
WISDOM MT 59767

Re: Change of Ownership for Water Right/Permit No(s): 74-321Q

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 me at (208) 287-4942.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jean Hersley'.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Worden Thane PC
Water District No. 74



WORDEN
THANE P.C.
ATTORNEYS AT LAW

111 N. HIGGINS, SUITE 600
P.O. BOX 4747
MISSOULA, MONTANA 59806-4747
TELEPHONE (406) 721-3400 or 800-337-3567
FAX (406) 721-6985
www.wordenthane.com

DONOVAN WORDEN, SR., 1892-1967
DONOVAN WORDEN, JR., 1918-2001
JEREMY G. THANE, 1927-2016

*LICENSED TO PRACTICE IN MT AND WA
**LICENSED TO PRACTICE IN MT, ND, WY

RECEIVED
JAN 20 2017

Department of Water Resources
Eastern Region

RONALD A. BENDER
MARTIN S. KING
W. CARL MENDENHALL
GAIL M. HAVILAND
SHANE A. VANNATTA
PETER S. DAYTON
SEAN M. MORRIS
REID J. PERKINS
WILLIAM E. MCCARTHY
JANE E. COWLEY
COLLEEN M. DOWDALL
AMY M. SCOTT SMITH
JORI QUINLAN
JESSE C. KODADEK
*CHRIS A. JOHNSON
**ROSS P. KEOGH
DANA L. HUPP
MARTIN ROGERS

January 16, 2017

IDWR Eastern Region
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

RECEIVED

JAN 30 2017

DEPARTMENT OF
WATER RESOURCES

Re: Change of Ownership, Water Right 74-321Q

Dear Representative:

Regarding the above water right, please find enclosed on behalf of the Estate of John H. Nelson and his surviving spouse, Joan R. Nelson, the following documents:

1. Executed *Notice of Change in Water Right Ownership*;
2. Color map depicting the point of diversion and place of use of the above water right;
3. Copy of the original Warranty Deed by which Mr. and Mrs. Nelson received title to the described parcel of land to which the water right is appurtenant;
4. The first five, of 30 total pages, of the Affidavit of Heirship recorded June 26, 2015, by which notice is given that Mr. Nelson's one-half interest has transferred to his spouse, property co-owner Joan R. Nelson; and
5. This firm's \$25 check #47883 in payment of the filing fee due to process this change of ownership.

Should anything further be needed to complete this transfer, please contact us at your earliest convenience so we can provide what is needed as soon as possible.

Sincerely,

Kristin Marshall
Paralegal to Gail M. Haviland