

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED RECEIVED
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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?
98-7478	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: Leo Sanders Donna Sanders
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Stephen R. Smith and Mary A. Smith
New owner(s) as listed on the conveyance document
Mailing address: 1019 Moyie River Road City: Bonner's Ferry State: ID ZIP: 83805
Telephone: (208) 267-6049 Email: steve-mar@msn.com

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: Nov. 2, 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):
☐ \$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: Stephen R. Smith
Signature of new owner/claimant

Title, if applicable

Date 11/25/15

Signature: Mary A. Smith
Signature of new owner/claimant

Title, if applicable

Date 11/25/15

For IDWR Office Use Only:

Received by SO Date 12/2/15

Receipt No. N031643

Receipt Amt. \$25.00

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 gmat

Date 1-25-16



Community Title, LLC

WARRANTY DEED

Escrow No.: 22425-SF

FOR VALUE RECEIVED

Leo Sanders, An Unmarried Man as to Parcel 1 and Deena L. Calder and Tom Calder, Wife and Husband, as community property, with right of survivorship and Kip W. Sanders and Roxanne Sanders, Husband and Wife, as community property, with right of survivorship as to Parcel 2

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

Stephen R. Smith and Mary A. Smith, Husband and Wife, as community property, with right of survivorship

whose current address is 3532 Terry Lake Rd., Fort Collins, CO

the grantees, the following described premises, in Boundary County, Idaho, TO WIT:

80524

PARCEL 1:

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 35, Township 65 North, Range 2 East, Boise Meridian, Boundary County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 2 and 3, Township 62 North, Range 2 East, and Sections 34 and 35, Township 65 North, Range 2 East, Boise Meridian, Boundary County, Idaho; thence North 89°50'42" East, a distance of 188.30 feet to the center line of a County Road; thence North 0° 13'51" West, 883.50 feet; thence East 25 feet to the Easterly right of way line of said County Road and the True Point of Beginning; thence South 87°45'31" East, 420 feet; thence South 0° 15'51" East, 248 feet; thence South 87° 45'31" East, 263.40 feet; thence South 10°00' West, 150 feet; thence South 60° 00' East, 300 feet to a point lying on the mean high water line of the West bank of the Moyie River; thence following said line South and Westerly to an intersection with the South section line of Section 35; thence West along the South section line to the Easterly right of way line of the County Road; thence North along the Easterly road right of way line to the Point of Beginning.

LESS any portion thereof lying within the County Road right of way.

LESS an underground powerline easement extending 5 feet on each side of the existing power line from the County Road to the point it passes through the North line of the above described property.

ALSO LESS Commencing at the Southwest corner of Section 35, Township 65 North, Range 2 East, Boise Meridian, Boundary County, Idaho; thence North 89° 50'42" East, 188.30 feet to the centerline of the County Road; thence North 0° 05'15" East, 883.50 feet; thence East 25 feet to the Easterly right of way of the County Road and the True Point of Beginning; thence South 87° 45'31" East, 419.66 feet; thence South 0° 47' West, 248 feet; thence South 06° 25'01" East, 272.96 feet; thence South 80° 46'03" West, 456.64 feet to the right of way of the County Road; thence along said right of way, North 0° 05'15" East, 608.93 feet to the True Point of Beginning.

ALSO LESS Commencing at the Southwest corner of Section 35, Township 65 North, Range 2 East, Boise Meridian, Boundary County, Idaho; thence North 89° 50'42" East, 188.30 feet to the centerline of the County Road; thence North 00° 05'15" East, 653.52 feet; thence 67° 45'31" East, 545 feet to a 5/8" rebar with a plastic cap marked "RLS 3628", which is the True Point of Beginning; thence South 06° 25'01" East, 272.96 feet; thence North 80° 46'03" East, 90.62 feet; thence North 06° 25'01" West, 256.25 feet; thence North 88° 42'03" West, 91.34 feet to the True Point of Beginning.

Certified to be a true and exact copy of the signed original. Community Title

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IDWR / NORTH

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 20, 2015

Leo Sanders by Deena L. Calder, Atty in Fact
Leo Sanders by Deena L. Calder, Atty in Fact

Deena L. Calder
Deena L. Calder

Tom Calder
Tom Calder

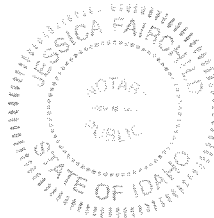
Kip W. Sanders
Kip W. Sanders

Roxanne Sanders
Roxanne Sanders

STATE OF IDAHO }
COUNTY OF BOUNDARY } SS.

On this 23 day of OCTOBER, 2015, before me, a Notary Public in and for said state, personally appeared DEENA L. CALDER known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Attorney-in-fact of LEO SANDERS, and acknowledged to me that SHE subscribed the name of LEO SANDERS as principal and her own name as Attorney-in-fact.

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

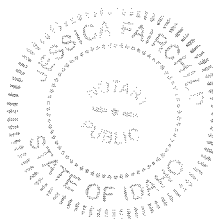


Jessica Fairchild
Notary Public for the State of Idaho
Residing at: Boise, Idaho
Commission Expires: 2/2/2017

STATE OF IDAHO }
COUNTY OF BOUNDARY } SS.

On this 23 day of October in the year 2015 before me, a Notary Public in and for said state, personally appeared Deena L. Calder, Tom Calder, Kip W. Sanders, Roxanne Sanders known or identified 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 affixed my official seal the day and year first above written.



Jessica Fairchild
Notary Public in and for the State of Idaho
My Commission Expires: 2/2/2017



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

January 25, 2016

LEO SANDERS
DONNA SANDERS
HCR 61 BOX 186A
BONNERS FERRY ID 83805

Re: Change in Water Right Ownership: Water Right No. 98-7478 (Split into 98-7478 and 98-7962)

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 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 Sections 42-222 and 42-223, Idaho Code.

If you have any questions concerning this ownership change, or the enclosed information, please contact me at 208-287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure



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

January 25, 2016

STEPHEN R SMITH
MARY A SMITH
1019 MOYIE RIVER RD
BONNERS FERRY ID 83805

Re: Change in Water Right Ownership: Water Right No. 98-7478 (Split into 98-7478 and 98-7962)

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 based on the information received to reflect the change in ownership and has enclosed a computer-generated report for your records.

Your portion of these water rights has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water right, then no further action is required at this time.

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 Sections 42-222 and 42-223, Idaho Code.

Please feel free to contact me at 208-287-4942 if you have any questions concerning the enclosed information or this letter.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

Division of Water Right

98-7478

RECEIVED

DATE
JAN 25 2016DEPARTMENT OF
WATER RESOURCES

ACTION NOTES

PLANNING NOTES

Here is the balance of payment of
the \$100 required to divide a
water right!

Paid previously	\$25.00
Enclosed CK #1213	\$75.00
	<u>100.00</u>

Thank you for your assistance!

Stephen R. Smith

Ph: (208) 267-6049



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 11, 2015

STEPHEN R SMITH
MARY A SMITH
1019 MOYIE RIVER RD
BONNERS FERRY ID 83805

RE: Ownership Change Water Right: 98-7478

Dear Property Owner:

The Department of Water Resources acknowledges receipt of your request for a Notice of Change of Water Right Ownership on water rights 98-7478. After reviewing your request, it was determined additional fees will be needed to complete this request.

Water Right 98-7478 will need to be divided. You are entitled to a portion (7.0 acres) of the irrigation use located in Township65N, Range02E, Section 35, SWSW and the domestic use. The stockwater portion of this right is located in T64N, R02E, Sec2, NWNW. The deed you provided does not include land appurtenant to this portion of the right. . I have enclosed a map and water right report for your benefit.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. The Department has determined that the additional filing fee for your notice will be **\$75**.

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

Please contact me at 208-287-4942 if you have any questions.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosures