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DEPARTMENT OF
WATER RESOURCESSTATE 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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
91-07417	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Bert Powell & Janet McGuire

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Wayne J & Judy S Leach

New owner(s) as listed on the conveyance document

Name connector

☐ and☐ or☒ and/or

497 Ridgeview Drive

St. Maries

ID

83861

Mailing address

City

State

ZIP

208-993-3017

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: October 26, 2015

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

• Rental payments will go to the lessor(s) of record at the beginning of the rental season.

• If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.

• New lessor(s) of record will receive payment after the following rental season.

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.

8. Signature:

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

12-21-15

Receipt No.

N031670

Receipt Amt.

25

Approved by

Processed by

Date

1-5-16

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)
Case No. 49576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 91-07417

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NAME AND ADDRESS: BERT POWELL
C/O JANET MCGUIRE
305 LINCOLN AVE
SAINT MARIES, ID 83861

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 12/31/1995

POINT OF DIVERSION: T46N R02W S10 SWNE Within Benewah County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.

PLACE OF USE: Domestic Within Benewah County
T46N R02W S10 SWNE

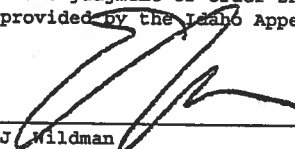
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

RECORDING REQUESTED BY
First American Title Company

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

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2015 Oct 28 PM 03 13
BENEWAH COUNTY
DEANNA BRAMBLETT, CLERK
272572
FIRST AMERICAN TITLE - SAIN
FEES:\$ 16.00

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **565407-SM (ps)**

Date: **October 26, 2015**

For Value Received, **Heirs and Devisees of the Estate of Bert Powell Estate, deceased. Janet Lee McGuire has been appointed Personal Representative**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Wayne J. Leach and Judy S. Leach, husband and wife**, hereinafter called the Grantee, whose current address is **497 Ridgeview Drive, St. Maries, ID 83861**, 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.

272572

Date: 10/26/2015

Warranty Deed
- continued

File No.: 565407-SM (ps)

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Heirs and Devisees of the Estate of Bert
Powell Estate, deceased. Janet Lee McGuire *JLM*
has been appointed Personal Representative

Janet Lee McGuire, PR
Janet Lee McGuire, Personal Representative

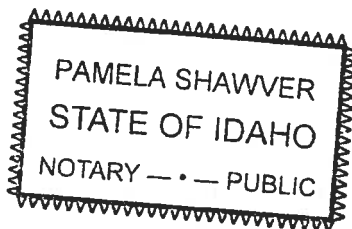
STATE OF Idaho)
SS.

COUNTY OF Benewah)

On this 26th day of October, 2015, before me, a Notary Public in and for said State, personally appeared **Janet Lee McGuire**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Personal Representative of the Estate of **Bert Powell**, and acknowledged to me that she executed the same as such Personal Representative.

Pamela Shawver

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



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272572

Date: 10/26/2015

Warranty Deed
- continued

File No.: 565407-SM (ps)

EXHIBIT A

A parcel in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 10, Township 46 North, Range 2 West, Boise Meridian, Benewah County, Idaho. The boundary of this parcel is described as:

Beginning at the intersection of the northerly right-of-way boundary of a roadway (Book 154, Page 3360, Benewah County Records) and the west line of said Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$). From this point the Center $\frac{1}{4}$ Corner of said Section 10 bears S 00°17'15" W - 989.96 feet.

**Running thence N 00°17'15" E, along said west line, a distance of 335.12 feet;
thence N 89°47'14" E, along the north line of said Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), a distance of 517.735 feet to another point on said northerly right-of-way boundary (this right-of-way boundary runs parallel to and 30 feet offset northwesterly from the centerline of this road);**

**thence S 69°32'17" W, along this right-of-way boundary, a distance of 104.98 feet;
thence S 48°50'58" W, along this right-of-way boundary, a distance of 173.73 feet;
thence S 63°32'00" W, along this right-of-way boundary, a distance of 160.48 feet;
thence S 52°00'10" W, along this right-of-way boundary, a distance of 185.99 feet to the point of beginning.**

This parcel has been assigned Benewah County Assessor's Tax No. 1240 and is part of the parcel depicted on a survey plat recorded as Instrument No. 185601 and corrected as Instrument No. 185663, Benewah County Records.



Google earth

feet 700
meters 200



497 Ridgerview Dr.

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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 5, 2016

WAYNE J LEACH
JUDY S LEACH
497 RIDGEVIEW DR
ST MARIES ID 83861

Re: Change of Ownership for Water Right/Permit No(s): 91-7417

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.

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. Change reporting 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,


for Jean Hersley
Technical Records Specialist II

Enclosure(s)