

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 18 2014

Notice of Change in Water Right Ownership

DEPARTMENT OF
WATER RESOURCES

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?
75-7588	Yes ☒		Yes ☐		Yes ☐
75-14736	Yes ☒	Split into: 75-14808, 75-14809, 75-14810 & 75-14736	Yes ☐		Yes ☐
75-14721	Yes ☒		Yes ☐		Yes ☐
(not changed)	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

parent of
75-14736
14737

2. Previous Owner's Name: Bill Gattung / William G. & Lois C. Gattung Revocable Trust
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Joie Malpass
Name of each new owner as listed on the conveyance document
1549 E Napa St
New owner continued ☐ Name connector ☐ and ☐ or ☐ and/or

Mailing address
Sonoma CA 95476
City State ZIP
(707) 695-3996
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: _____

6. 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.

SUPPORT DATA

IN FILE # 75-7588

7. Signature: Joie Malpass 9/11/14
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 JD Date 9/18/2014 Receipt No. E040252 Receipt Amt. \$375

Approved by _____ Processed by John Date 10-14-15

TRUSTEE'S DEED OF DISTRIBUTION

THIS INDENTURE, made this 24 day of July, 2014, by and between JANA L. GATTUNG, in her capacity as Trustee of THE WILLIAM G. AND LOIS C. GATTUNG REVOCABLE TRUST under the Restated Declaration of Trust dated May 24, 2001, the Grantor, and JOIE LYNN MALPASS, a married woman taking title as her sole and separate property, whose address is 1549 E. Napa Street, Sonoma, CA 95476, the Grantee,

WITNESSETH:

That the Grantor, for and in consideration of the mutual terms, covenants and conditions of that certain Restated Declaration of Trust of THE WILLIAM G. AND LOIS C. GATTUNG REVOCABLE TRUST dated May 24, 2001, does by these presents grant, convey, and assign unto the Grantee, free of the trust, all of the following described real estate situated in the County of Lemhi, State of Idaho, to-wit:

See the Legal Description labeled "Pink Division (Joie) a.k.a Parcel 'C'" attached hereto.

TOGETHER WITH all minerals, mineral rights, water, water rights, ditches and ditch rights, appurtenant or otherwise related thereto, whether represented by decree, license, permit or otherwise, to be allocated in accordance with the law, and all improvements, buildings, and fixtures situated on said property.

AND TOGETHER WITH AND SUBJECT TO: Those certain easements set forth in that certain Declaration of Easements recorded by the Grantor on July 24, 2014, in the official records of the County of Lemhi, State of Idaho, as instrument # 296963.

AND TOGETHER WITH AND SUBJECT TO: Those certain existing easements of record (to be used for the irrigation of and general access to the above-described property, and all other properties described in the above- described Declaration of Easements,) described as follows: (1) a 50-foot wide ingress and egress easement to access and maintain an existing irrigation headgate on the Gene Gattung Property, as described in the Quitclaim Deed recorded in the official records of Lemhi County on August 30, 2011 as Instrument No. 287209; (2) an irrigation

access and maintenance easement on the Gene Gattung Property as shown on the Record of Survey recorded in the official records of Lemhi County for the Gattung Estate on July 20, 2011 as Instrument #286408; (3) a 20-foot wide ingress and egress easement on the Joie Malpass Property to access Rainbow Ditch, as described in the Quitclaim Deed recorded in the official records of Lemhi County on July 20, 2011 as Instrument No. 286409; (4) the Williams Creek Remote on the Joie Malpass Property, as shown in the Record of Survey recorded in the official records of Lemhi County, Survey Book 6, Page 64, as Instrument No. 217986.

AND TOGETHER WITH AND SUBJECT TO: all other common law or statutory easements, claims of easement, and rights-of-way that may already exist or that may arise upon the Grantor's distribution of the properties described in the above-described Declaration of Easements, which easements and rights-of-way shall be perpetual, shall be non-exclusive, shall run with the land, and shall inure to the benefit of all present and future owners of any portion of the properties described in the above- described Declaration of Easements.

AND SUBJECT TO: All other existing liens, encumbrances, covenants, restrictions, and reservations of record; all applicable building and zoning ordinances, use regulations and restrictions; all encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey, inspection of the premises or environmental assessment; and all accruing taxes and assessments.

TO HAVE AND TO HOLD, all and singular the said premises, together with their appurtenances, unto the said Grantee and to the Grantee's successors and assigns forever. In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand the day and year first above written.

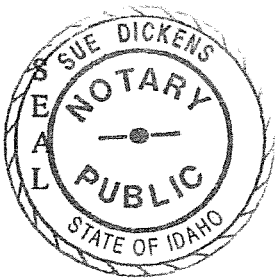
THE WILLIAM G. AND LOIS C. GATTUNG REVOCABLE TRUST

By: Jana L. Gattung, TTE
Jana L. Gattung, Trustee

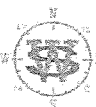
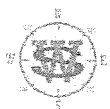
STATE OF IDAHO)
) ss.
County of Lemhi)

Sue Dickens ON THIS 24 day of July, 2014, before me
Jana L. Gattung, a Notary Public in and for said State, personally
appeared, JANA L. GATTUNG, Trustee of THE WILLIAM G. AND LOIS C.
GATTUNG REVOCABLE TRUST, known or identified to me to be the person whose
name is subscribed to the within instrument, and acknowledged to me that she executed
the same in that capacity.

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



Sue Dickens
Notary Public for Idaho
Residing at: *Salmon, Id*
My Commission Expires: *6/8/2016*



WADE SURVEYING

Global Positioning Service

Land Surveying and Planning

402 Van Dreff Street

Salmon, Idaho 83467

Phone: (208)-756-3070

July 14, 2014

PINK DIVISION (JOIE)

A.K.A. PARCEL "C"

A parcel of land located in the Section 7, T. 20 N., R. 22 E., and the E1/2 of Section 12, T. 20 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the E1/4 Corner of said Section 12, from which the SE Corner of said section bears S 00°28'48"E a distance of 2648.75 ft., the Basis Of Bearing of this description, run thence S 42°42'04" E along the boundary of Lot Split Plat Inst. No. 290014 a distance of 309.47 ft. to a point in an existing fence and the POINT OF BEGINNING.

Thence the following courses along said boundary;

S 42°42'04" E	268.05 ft.;	N 71°56'32" E	380.36 ft.;
N 36°55'39" E	207.79 ft.;	N 33°23'55" E	219.39 ft.;

Thence S 84°05'03" E a distance of 1230.03 ft. to a point on the westerly bank of the Salmon River;

Thence the following courses along said bank:

S 16°30'38" W	84.48 ft.;	S 14°14'38" W	386.10 ft.;
S 29°18'38" W	130.68 ft. to the northerly corner of Government Lot 19;		

Thence the following courses along said Lot 19:

S 64°04'41" W	519.68 ft.;	S 53°47'41" W	86.60 ft.;
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Thence N 83°58'50" W a distance of 2202.62 ft. to a point on the easterly boundary of Record Of Survey (R.O.S.) Inst. No. 281738;

Thence the following courses along said boundary:

N 04°57'39" E	74.48 ft.;	N 04°25'40" W	38.05 ft.;
N 72°10'13" E	139.97 ft.;	N 17°09'39" E	79.69 ft.;
N 72°52'21" W	95.01 ft.;	N 82°59'30" W	685.26 ft. to a point on the easterly

boundary of R.O.S. Inst. No. 286408;

Thence N 00°06'00" W along said boundary a distance of 334.96 ft.;

Thence N 00°16'40" W along the easterly boundary of R.O.S. Inst. No. 248582 & 227811 a distance of 37.78 ft. to a point on the agreed boundary as shown on R.O.S. Inst. No. 154334;

Thence the following courses along said boundary:

N 62°50'46" E	166.38 ft.;	N 17°04'23" E	380.11 ft.;
N 00°17'12" E	4.57 ft. to a point on the center of an existing buried irrigation pipeline;		

Thence the following courses along said pipeline:

S 76°18'38" E	94.40 ft.;	S 88°13'27" E	589.76 ft. to a point on the centerline
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of the Rainbow Ditch;

E1/4 corner Sec 12

2506862.522

1541740.81

Thence the following courses along said ditch centerline:

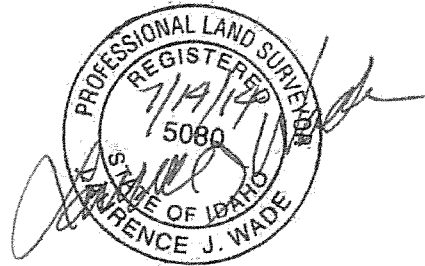
S 14°30'52" E	30.37 ft.;	S 31°56'27" E	29.64 ft.;
S 38°11'47" E	55.10 ft.;	S 20°15'19" E	34.59 ft.;
S 01°51'03" W	54.27 ft.;	S 04°42'08" E	46.94 ft.;
S 42°17'13" E	41.83 ft.;	S 35°57'40" E	50.40 ft.;
S 26°38'18" E	76.82 ft.;	S 20°08'52" E	104.08 ft.;
S 08°25'51" E	38.75 ft.;	S 17°44'42" W	91.90 ft.;
S 42°48'20" W	24.61 ft.;	S 51°06'58" W	49.87 ft.;
S 19°17'50" W	22.66 ft.;	S 04°24'06" E	101.08 ft.;
S 00°53'24" E	117.43 ft.;	S 09°18'14" W	29.23 ft. to a point on an existing

fence extended;

Thence the following courses along said fence:

N 82°06'36" E	70.95 ft.;	N 63°34'53" E	269.51 ft.;
N 45°03'09" E	195.26 ft. to the POINT OF BEGINNING.		

Parcel contains 56.5 acres (more or less)





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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 14, 2015

JOIE MALPASS
1549 E NAPA ST
SONOMA CA 95476

Re: Change in Water Right Ownership: Water Right No. 75-14736 (Split into 75-14736 and **75-14808**, **75-14809** and **75-14810**) and 75-7588 (Split into 75-7588 and **75-14812**)

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.

Water Right 75-14721 is a parent right of 75-14736 and 75-14737. It was not divided or updated. A refund of \$100 has been requested and will be sent to the Gattung Family Trust under separate cover from the State Controller's 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.

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