

DE

RECEIVED

APR 06 2015

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED  
APR 03 2015  
IDWR / NORTH

DEPARTMENT OF  
WATER RESOURCES

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?                       |
|-----------------------|------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| LIC 95-11548          | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name:

ROBERT L NEWELL  
Name of current water right holder/claimant

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

JAMES F. SMITH, TRUSTEE OF THE SMITH LIVING  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

14754 N. DONATE COURT HAXDEN, ID 83835 TRUST  
Mailing address City State ZIP  
775-225-0612 jfsmith775@gmail.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:

8/16/2012

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:

James F. Smith  
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

db

Date

4-3-15

Receipt No.

N031145

Receipt Amt.

25

Approved by

Processed by

J. Hays

Date

4-21-15

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## Notice of Change in Water Right Ownership

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**APR 03 2015**  
**IDWR / NORTH**

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?                       |
|-----------------------|------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| 95-11548              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name: ROBERT L NEWELL

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): JAMES F. SMITH, TRUSTEE OF THE SMITH LIVING

New owner(s) as listed on the conveyance document

Name connector

☐ and

☐ or

☐ and/or

14754 N. DONAT COURT HAXDEN, ID

City

State

ZIP

Mailing address

775-225-0612

Telephone

Email

jfsmith775@gmail.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: 8/16/2012

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]

Signature of new owner/claimant

Title, if applicable

Date

3/4/15

Signature: [Signature]

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_ Receipt Amt. \_\_\_\_\_

Approved by \_\_\_\_\_ Processed by \_\_\_\_\_ Date \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**Notice of Change in Water Right Ownership**

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APR 03 2015  
IDWR/NORTH

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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: \_\_\_\_\_  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): \_\_\_\_\_  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- Mailing address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
- 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. 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: \_\_\_\_\_  
     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 \_\_\_\_\_ Receipt No. \_\_\_\_\_ Receipt Amt. \_\_\_\_\_

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 \_\_\_\_\_ Date \_\_\_\_\_

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
James F. Smith  
14754 N. Donart Court  
Hayden, ID 83835

JIM BRANNON 2 P 2490034000  
KOOTENAI COUNTY RECORDER  
PRP 3/16/2015 9:37 AM  
REQ OF FIRST AMERICAN TITLE -  
KOOTENAI

RECORDING FEE: \$13.00  
Electronically Recorded

DD  
**RECEIVED**  
**APR 03 2015**  
IDWR / NORTH

Space Above This Line for Recorder's Use Only

## **WARRANTY DEED**

File No.: **532992-C (mj)**

Date: **March 03, 2015**

For Value Received, **Robert Newell and Martha Newell, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **James F. Smith, Trustee of the Smith Living Trust, dated November 30, 2000**, hereinafter called the Grantee, whose current address is **14754 N. Donart Court, Hayden, ID 83835**, the following described premises, situated in **Kootenai County, Idaho**, to-wit:

**LOT 23, HAYDEN LAKE PARK, ACCORDING TO THE PLAT RECORDED IN BOOK "C" OF PLATS, PAGE 95, RECORDS OF KOOTENAI COUNTY, IDAHO.**

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.

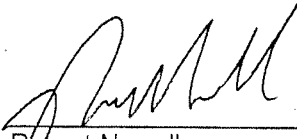
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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.

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APR 03 2015  
IDWR / NORTH

Date: 03/03/2015

Warranty Deed  
- continued

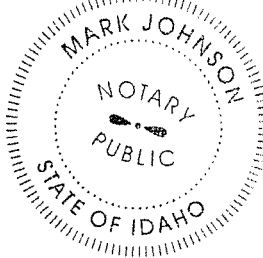
File No.: 532992-C (mj)

  
Robert Newell

  
Martha Newell  
3-6-2015

STATE OF Idaho )  
SS.  
COUNTY OF Kootenai )

On this 4 day of March, 2015, before me, a Notary Public in and for said State, personally appeared **Robert Newell**, known or identified 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 executed the same.

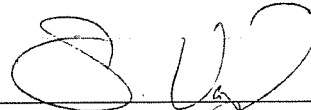




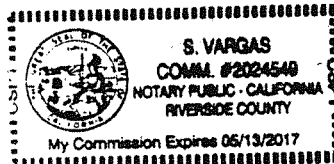
Notary Public for the State of Idaho  
Residing at: Post Falls, ID  
My Commission Expires: 11/22/2017

STATE OF California )  
SS.  
COUNTY OF Riverside )

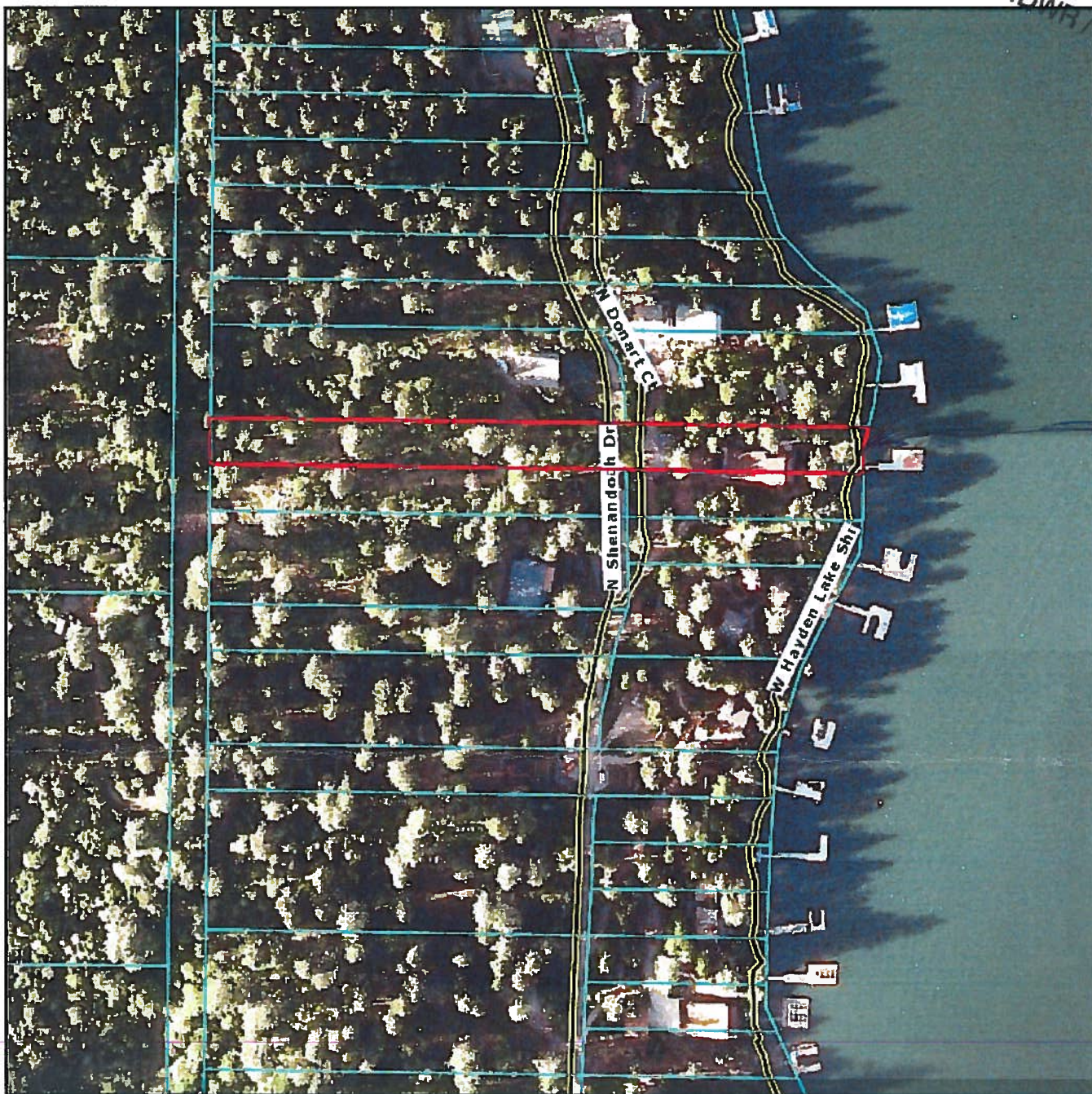
On this 10 day of March, 2015, before me, a Notary Public in and for said State, personally appeared **Martha Newell**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Notary Public for the State of California  
Residing at: Bermuda Dunes, CA  
My Commission Expires: 05/13/2017



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APR 03 2015  
IDWR NORTH



Diversi Pt



**First American Title Company**  
1866 N. Lakewood Drive  
Coeur d'Alene, ID 83814  
Phone: 208-667-0567  
Fax: 208-667-0832

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**geoAdvantage**  
[www.sentrydynamics.net](http://www.sentrydynamics.net)



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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

April 21, 2015

SMITH LIVING TRUST  
C/O JAMES F SMITH  
14754 N DONART CT  
HAYDEN ID 83835-7236

Re: Change of Ownership for Water Right/Permit No(s): 95-11548

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

Please 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](http://www.idwr.idaho.gov).

If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

FCL-

Jean Hersley  
Technical Records Specialist II

Enclosure

c: First American Title Co.



**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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

April 10, 2015

JAMES F SMITH  
TRUSTEE OF THE SMITH LIVING TRUST  
14754 N DONART CT  
HAYDEN ID 83835

RE: Ownership change Water Right No. 95-11548

Dear Property Owners:

The Department of Water Resources received your request for an ownership change for the above mentioned water rights. Before we can process this request, an original signature is needed on the Notice of Change in Water Right Ownership form.

I am enclosing a Notice of Change in Water Right Ownership form. Please sign and return to the Department in the enclosed prepaid envelope.

Please respond within 30 days or the Department will return your request unprocessed. If you have any questions, please contact me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Hersley". The signature is fluid and cursive, with a large loop at the end.

Jean Hersley  
Technical Records Specialist II

Enclosure

c: First American Title Co



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

March 26, 2015

JAMES F SMITH  
C/O FIRST AMERICAN TITLE COMPANY  
PO BOX 1747  
COEUR D ALENE ID 83816

RECEIVED  
APR 03 2015  
IDWR / NORTH

Re: Notice of Change in Water Right Ownership.

The change in water right ownership you submitted on March 18, 2015 is missing required documents. I am returning all documents received and check no. 77499 for \$25.00. I have also sent a copy of the change in water right ownership form with highlighted materials still needed. Please send all required materials along with \$25.00 to begin processing change in ownership.

If you have any questions, please call me at 208-762-2800.

Sincerely,

Adam Frederick  
Water Resource Agent  
Northern Region