

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
APR 04 2007
IDWR/North

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
95-7958					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

A.V. & Theresa M. Fallert
Rt 1 Box 87A, St. Maries, ID 83861

4. New Owner/Claimant(s)

Elmer D and/or Beverly A Evans

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

6776 Benchwah Ck Rd

City, State and ZIP Code

St Maries Id 83861

New Telephone Number

(208) 245-3110

5. Date you acquired the property

May 27, 1983

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) X *Benjamin A. Evans*
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u><i>[Signature]</i></u>	Date <u>4/4/07</u>	Fee <u>425⁰⁰</u>	
Received by <u><i>[Signature]</i></u>	Date <u>4/4/07</u>	Receipt No. <u>NO18257</u>	
Processed by _____, AJ	Date _____	WR _____	Date _____

QUIT CLAIM DEED

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, THAT I, BEVERLY A. EVANS, named Successor Trustee, in an Amendment to Declaration of Trust, dated the 25th day of September, 1991, to a certain Declaration of Trust, executed by Alvin V. Fallert and Theresa M. Fallert, on the 27th day of May 1983, in conformity with the terms of said Declaration of Trust, do by these presents release and forever Quit-Claim to Elmor D. Evans and Beverly A. Evans, husband and wife, title, interest, claim and demand whatsoever which in and to the property, including any here in after acquired interest, located at HC 01 Box 87A and 87B, Town of St. Maries, County of Benewah, State of Idaho

TO-WIT:

All that part of the Southwest Quarter of Section 4, Township 45 North Range 3 West, Boise Meridian that lies East of the Benewah Road, as now laid out, Benewah County, Idaho EXCEPT: Those portions previously Quit-Claimed in Instrument dated April 11, 1980, in Vol 100, Page 9870 of the Benewah County Land Records.

To Have and To Hold together with their appurtenances.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
this 9th day of January, 1995

Beverly A. Evans

STATE OF IDAHO }
County of Benewah } ss

On the 9th day of JANUARY, 1995
personally appeared Beverly A. Evans, known to
me to be the individual who executed the foregoing
instrument and acknowledged the same to be her
free act and deed before me.

Lawrence R. Burt
Notary Public, State of Idaho
Residing in St. Maries
Commission Expires: 4-5-97

RECEIVED

0199435

35 JAN 10 P12:41

BENEFIT CLERK
KAY SATHEM, CLERK \$300
Bonnie Larson deputy
Beverly Evans
HC 01 Box 87
St. Maries, Id 83861

DECLARATION OF TRUST

WHEREAS, WE Alvin V. Fallert and Theresa L. Fallert, of the Town of St. Maries, County of Benewah, State of Idaho, are the owners as joint tenants of certain real property located at Route 1-Box 87A, in the Town of St. Maries, State of Idaho, which property is described more fully in the Deed conveying it from Jerome L. Lisanti and Sandra L. Lisanti to Alvin V. Fallert and Theresa L. Fallert as "that certain piece or parcel of land with buildings thereon standing, located in said Benewah County, being

All that part of the Southwest quarter of Section 4, Township 45 North, Range 3 West, Boise Meridian that lies East of the Benewah County Road, as now laid out, Benewah County, Idaho, EXCEPT, those portions previously relinquished.

Being the same premises earlier conveyed to the Settlers by an instrument dated September 13, 1977 and recorded in Vol. 100, page 9820 of the Benewah County Land Records.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that we hereby acknowledge and declare that we hold and will hold said real property and all our right, title and interest in and to said property and all furniture, fixtures and personal property situated therein on the date of the death of the survivor of us, IN TRUST

1. for the use and benefit of
Beverly A. Evans, of Route 1-Box 87 St. Maries, Idaho 83361
- or, if such beneficiary be not surviving, for the use and benefit of
Elmer D. Evans, of Route 1-Box 87 St. Maries, Idaho 83361

If because of the physical or mental incapacity of both of us certified in writing by a physician, the Successor Trustee hereinafter named shall assume active administration of this trust during our lifetime, such Successor Trustee shall be fully authorized to pay to us or disburse on our behalf such sums from income or principal as appear necessary or desirable for our comfort or welfare. Upon the death of the survivor of us, unless the beneficiaries shall predecease us or unless we all shall die as a result of a common accident or disaster, our Successor Trustee is hereby directed forthwith to transfer said property and all right, title and interest in and to said property unto the beneficiary absolutely and thereby terminate this trust.

2. Any beneficiary hereunder shall be liable for his proportionate share of any taxes levied upon the total estate of the survivor of us by reason of the death of such survivor.

3. All interests of a beneficiary hereunder shall be inalienable and free from anticipation, assignment, attachment, pledge or control by creditors or by a present or former spouse of such beneficiary in any proceedings at law or in equity.

ourselves as individuals. We shall be exclusively entitled to all income accruing from the trust property during our lifetime, and no beneficiary named herein shall have any claim upon any such income and/or profits distributed to us.

5. We reserve unto ourselves the power and right at any time during our lifetime to amend or revoke in whole or in part the trust hereby created without the necessity of obtaining the consent of any beneficiary and without giving notice to any beneficiary. The sale or other disposition by us of the whole or any part of the property held hereunder shall constitute as to such whole or part a revocation of this trust.

6. The death during our lifetime, or in a common accident or disaster with us, of both of the beneficiaries designated hereunder shall revoke this trust, and in the former event, we reserve the right to designate a new beneficiary, should we for any reason fail to designate such new beneficiary, this trust shall terminate upon the death of the survivor of us and the trust property shall revert to the estate of such survivor.

7. In the event of the physical or mental incapacity or death of one of us, the survivor shall continue as sole Trustee. In the event of the physical or mental incapacity or death of the survivor, or if we both shall die in a common accident, we hereby nominate and appoint as Successor Trustee hereunder who-soever shall at that time be beneficiary hereunder.

8. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators and assigns of the undersigned and upon the Successors to the Trustees.

9. We as Trustees and our Successor Trustee shall serve without bond.

10. This Declaration of Trust shall be construed and enforced in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, we have hereunto set our hands and seals

this 27 day of May, 1933.

Alvin V. Fallert L.S.

Theresa M. Fallert L.S.

STATE OF IDAHO)
County of Benewah) ss

On the 27th Day of May, 1933,
personally appeared Alvin V. Fallert and
Theresa M. Fallert, known to me to be the
individuals who executed the foregoing
instrument and acknowledged the same to be
their free act and deed, before me.

Lawrence K. Burtch
Notary Public, State of Idaho
Residing: St. Paul
Commission expires: life

RECORDED

159336

Book 154 Page 5461

MAY 27 1933

SCANNED

AUG - 1 2007

DECLARATION OF TRUST

I, ALVIN V. FALLERT, named as co-trustee in that certain Declaration of Trust dated May 27, 1988, and recorded in Book 154, Page 5464, Inception # 10335 in the Public Record of the County of Benewah, State of Idaho, do by these presents step down as Trustee, and since co-trustee Theresa E. Fallert now deceased, Beverly A. Evans, named as successor trustee in the above Declaration of Trust, shall succeed as Trustee.

It is further declared and established that the surviving Grantor of the Real Property named in the Declaration of Trust, shall have the absolute right and privilege to reside in the residence located on said Trust Property as long as he shall live or until such time as he shall vacate said premises voluntarily.

As a condition of continued residency, Grantor agrees to pay all Insurance premiums and taxes as they are levied and become due and payable, and to maintain the said premises in the same condition as they are at the time of the execution of this document. Grantor further agrees to waive and release any and all claim to any income or revenue derived and paid to said Trust.

All other terms and stipulations set forth in the above named Declaration of Trust shall remain unchanged.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of September, 1991.

Alvin V. Fallert
Alvin V. Fallert

State of Idaho)
County of Benewah) ss

On the 25th day of September, 1991, ALVIN V. FALLERT, known to me to be the individual who executed the foregoing instrument and acknowledged the same to be his free act and deed, before me.

187196

31 SEP 25 AM 10

Marcy K. Turner
Notary Public, State of Idaho
Residing in St. Maries
Commission expires: 9-20-96