

SEP 26 2022

STATE OF IDAHO
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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
91-07136	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: Donald R. Vail, Martha Vail
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Dianna Blair
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

1530 Cottonwood Drive St. Maries ID 83861-9448
Mailing address City State Zip
907-790-6423; 208-568-1111c BLAIR.DIANNA@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: October 17, 2016

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

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):
o \$25 per undivided water right. (check #5292)
o \$100 per split water right.
o 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: Dianna Blair 9/26/22
Signature of new owner/claimant Title, if applicable Date
DIANNA BLAIR

Signature: _____
Signature of new owner/claimant Title, if applicable Date
Print name

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SEP 30 2022

Received by NS Date 9/26/22 Receipt No. N041258 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 NS Date 9/30/22

RECORDING REQUESTED BY
First American Title Company

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

RECEIVED
2016 OCT 18 AM 09 02
BENEWAH COUNTY
DEANNA BRAMBLETT, CLERK
275540
FIRST AMERICAN TITLE - SAIN
FEES:\$ 13.00

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **601200-SM (ps)**

Date: **August 04, 2016**

For Value Received, **Donald R. Vail and Martha A. Vail, Trustees, or the successors in trust, under the Donald and Martha Vail Living Trust, u/d/t dated February 23, 2005**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Dianna Blair, an unmarried woman**, hereinafter called the Grantee, whose current address is **1530 Cottonwood Drive, St. Maries, ID 83861**, the following described premises, situated in **Benewah County, Idaho**, to-wit:

Lot 24A, Cottonwood Point First Addition, according to the amended plat thereof, recorded July 28, 1980 in Book 154 of Miscellaneous at Page 3821, Records of Benewah 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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OCT 30 2022

Date: 08/04/2016

Warranty Deed
- continued

File No.: 601200-SM (ps)

Donald R. Vail and Martha A. Vail, Trustees,
or the successors in trust, under the Donald
and Martha Vail Living Trust, u/d/t dated
February 23, 2005

Donald R. Vail
Donald R. Vail, Trustee

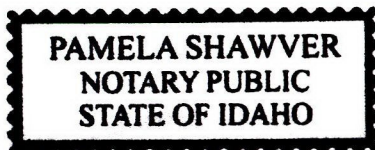
Martha A. Vail
Martha A. Vail, Trustee

STATE OF Idaho)
COUNTY OF Benewah)
SS.

On this 14th day of October, 2016, before me, a Notary Public in and for said State, personally appeared **Donald R. Vail and Martha A. Vail**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Donald and Martha Vail Living Trust**, and acknowledged to me that they executed the same as such Trustee.

Pamela Shawver

Notary Public of Idaho
Residing at: St. Maries, Idaho
Commission Expires: 1/20/2022



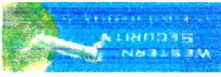
Note: Closing took place Oct 17, 2016.
AB

Enders, Quicken Loans, Inc.

Borrower: Diana Blair
 Property Address: 1530 Cottonwood Dr
 City: St. Marys
 Order Number: 0000132

File No.: RUMI238N-BIA
Case No.: 3362881562
State 1) Zip: 83861

PLATE 1



12/25/2018 (008) x31 / 9888-226 (609) 663,110 / info@wscs.com / www.wscs.com / office (609) 933-8888 / fax (800) 572-7171

Water Right Report : 91-7136(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Attorney	SEMANKO, NORMAN M	PARSONS BEHLE & LATIMER PLC 800 W MAIN ST STE 1300	BOISE	ID	83702
Current Owner	VAIL, DONALD R	1530 COTTONWOOD DR	SAINT MARIES	ID	83861
Current Owner	VAIL, MARTHA	1530 COTTONWOOD DR	SAINT MARIES	ID	83861

Water Right Status

Priority Date : 10/30/1996

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
ST JOE RIVER		COEUR D ALENE LAKE	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
ST JOE RIVER	46N	02W	17	11		SE	SW	BENEWAH	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	03/15	11/15	0.02 CFS	1.50 AFA
TOTAL			0.02 CFS	1.50 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : DOMESTIC (BENEWAH county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
46N	02W	17	11		SE	SW	

Conditions

Code Conditions

- C18 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. Section 42-1412(6), Idaho Code.
- N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
- X01 Domestic use is for 1 home.
- C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
- J01 Property is also known as Lot 24A, Cottonwood Point 1st Addition subdivision. ←
- PIN Parcel No. RP00100020024AA.
- P34 The remainder of this right was not claimed in the Coeur d Alene-Spokane River Basin Adjudication.
- 004 This right does not grant any right-of-way or easement across the land of another.

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2022 3 6 10:22



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 30, 2022

DIANNA BLAIR
1530 COTTONWOOD DR
ST MARIES ID 83861-9448

Re: Change in Ownership for Water Right No(s): 91-7136

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned 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 Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 762-2813.

Sincerely,

Natalie Steading
Tech Records Specialist 1

Enclosure(s)

SCANNED
SEP 30 2022

Steading, Natalie

From: Steading, Natalie
Sent: Tuesday, September 27, 2022 12:48 PM
To: Baxter, Garrick
Cc: Alleman, Tammy
Subject: RE: Ownership change 91-7136

Awesome! We will get this processed. Thanks, Garrick!

Natalie

From: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
Sent: Tuesday, September 27, 2022 11:59 AM
To: Steading, Natalie <Natalie.Steading@idwr.idaho.gov>
Cc: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Subject: RE: Ownership change 91-7136

Unfortunately, that map isn't much better. I'll rely on your statement that the map does not show a Lot 24A and only shows a Lot 24B.

It appears that this is an issue with the county plat maps. Ms. Blair will definitely want to get that issue fixed. She may want to enlist the help of an attorney to get it straightened out.

It seems to me that IDWR has two options. First, IDWR can wait for the county records to be fixed. Waiting would ensure that IDWR is confident regarding the water right change of ownership.

However, because much of the information submitted with the change of ownership and the documents in the water right backfile suggest a valid water right was licensed and decreed on a parcel of land referred to as Lot 24A and demonstrates an intent by the Vails to transfer the property with address 1530 Cottonwood Drive to Ms. Blair, I think it would be reasonable for IDWR to process the change of ownership now. The following information weighs in support of processing the change of ownership: When I look at the deed, it does say that Ms. Blair's "current address is 1530 Cottonwood Drive, St. Maries, ID." The address on the partial decree for the water right is the same address. The deed also has the appurtenances language in it. The deed identifies lot 24A. While 24A doesn't appear to exist in current county records, the documents in IDWR's backfile suggest Lot 24A does exist. The license backfile has multiple maps with lot 24A. Also, the license which the water right was based on included a condition that says it is on Lot 24A (see condition 7). Also, in its recommendation, the Department included a statement in explanatory material saying the property is "known as Lot 24A". I've visually compared the maps in IDWR's backfile and the current county map. It appears that 24A is in the area of Lot 24B. It could be a circumstance where Lot 24 was split but not properly recorded. The failure of the county to have the updated records would not affect the ownership of the water right. All of this suggests to me that it would not be unreasonable for IDWR to process the change of ownership now. You might recall that back in 2021, IDWR proposed legislation that modified Idaho Code 42-248. It now says "Any action by the department updating the ownership of a water right in the department's records or returning the notice of change of ownership to the person filing the notice is not a determination of water right ownership..." This gives IDWR a bit more flexibility when processing ownership changes. In all, I believe it more likely than not that the Vails intended to transfer water right 91-7136 to Ms. Blair.

I hope this helps. Please let me know if you have any questions.

Thanks,
Garrick

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SEP 30 2022



Garrick Baxter | Deputy Attorney General
Water Resources Section | Natural Resources Division
Office of the Attorney General | State of Idaho
O: 208-287-4811 | W: ag.idaho.gov

NOTICE: This message, including any attachments, is intended only for the individual(s) or entity(ies) named above and may contain information that is confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, please reply to the sender that you have received this transmission in error, and then please delete this email.

From: Steading, Natalie <Natalie.Steading@idwr.idaho.gov>
Sent: Tuesday, September 27, 2022 10:02 AM
To: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
Cc: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Subject: RE: Ownership change 91-7136

Good morning,

Rescanned, but I don't know if this is any better (the copy I have is not that great). I did flip it over though

Natalie

From: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
Sent: Tuesday, September 27, 2022 7:36 AM
To: Steading, Natalie <Natalie.Steading@idwr.idaho.gov>
Cc: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Subject: RE: Ownership change 91-7136

Morning Natalie,
Interesting issue. Unfortunately, I can't read the map. Can you please rescan it, maybe with higher resolution?
Thanks,
Garrick

From: Steading, Natalie <Natalie.Steading@idwr.idaho.gov>
Sent: Monday, September 26, 2022 6:06 PM
To: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
Cc: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Subject: Ownership change 91-7136

Hey Garrick,

This one has a hiccup to it; the warranty deed property description is lot 24A but if you look at the map, the county doesn't have that lot listed. It has lots 24B under the name of William Kopp, which is where 24A should be. The water right is show up on lot 23. It looks like the county shifted the map up one lot and now nothing matches. Ms. Blair has been to the county, and they have acknowledged the error and have been working on it for about a year. Is there anything we can get from the county that will allow the ownership change to go through?

Natalie Steading
Idaho Dept. of Water Resources, Northern

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SEP 30 2022

7600 N Mineral Drive, Ste 100
Coeur d'Alene ID 83815
Ph: (208) 762-2800
Fax: (208)762-2819

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SEP 30 2022

Steading, Natalie

From: Steading, Natalie
Sent: Monday, September 26, 2022 5:06 PM
To: Baxter, Garrick
Cc: Alleman, Tammy
Subject: Ownership change 91-7136
Attachments: 91-7136.pdf

Hey Garrick,

This one has a hiccup to it; the warranty deed property description is lot 24A but if you look at the map, the county doesn't have that lot listed. It has lots 24B under the name of William Kopp, which is where 24A should be. The water right is show up on lot 23. It looks like the county shifted the map up one lot and now nothing matches. Ms. Blair has been to the county, and they have acknowledged the error and have been working on it for about a year. Is there anything we can get from the county that will allow the ownership change to go through?

Natalie Steading

Idaho Dept. of Water Resources, Northern
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