

Roda, Evan

From: Brian Ballard <BBallard@hawleytroxell.com>
Sent: Tuesday, June 11, 2024 5:05 PM
To: Roda, Evan
Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]
Attachments: 3500_001.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Evan: Good afternoon.

Getting back to you with the additional information attached and some comments:

1. Certificate of Death for James Edward White, Jr.; DOD 1/7/2002.
2. Will of James E. White, Jr. Redacted. Article VIII: Residue of Estate given to U.S. Bank, Trustee, and Connie White appointed as Personal Representative;
3. Deed of Personal Representative, Connie White, conveys Bear Claw property, including Lots 16 and 22, to U.S. Bank, N.A. Trustee; 9/27/2006.
4. Quitclaim Deed conveys Lot 22A, Block 2, the Lot upon which the well site (existing well), and well site (future well) are located, to Bear Claw Water System, LLC; Deed recorded 10/4/2010.
5. Bear Claw Water System, LLC, now as the owner of Lot22A continues as successor in interest Developer under the Bear Claw CCRs, and as such retains ownership and responsibility of operation of the Bear Claw Water System.
6. Certificate of Organization of Bear Claw Water System, and latest Annual Report.
7. Water Right License 96-08811.
8. Proof of Report dated 5/31/2023. (You may recall that I had noticed that Jay White was incorrectly listed as the owner of 96-08811, and when I called it to IDWR's attention, it was determined that such was a clerical error, and the proof report was updated to show James White as the owner.)

Maybe a bit more information than you need, but I think this shows how the James E. White Trust is involved, and that Bear Claw Water System LLC was formed by the Trust to be the owner and operator of the Bear Claw Water System.

Please let me know if you need anything else.

Thanks for your help.

Best...BB

From: Brian Ballard
Sent: Friday, June 7, 2024 1:56 PM
To: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]

Evan: Finally, summer down here, and first round of real golf (no threat of rain) scheduled for tomorrow.

I will provide the information that you request. These are exactly the questions I was wondering about, and, hopefully, it should all make sense when I gather the info and get to you.

Thanks.

Best...BB

From: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Sent: Friday, June 7, 2024 10:43 AM
To: Brian Ballard <BBallard@hawleytroxell.com>
Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]

* NOTICE: EXTERNAL EMAIL *

Good morning Brian,

I apologize for not getting back to you sooner as I have been out of the office for much of the week. Before I finish up preparing a claim for this license, I have a couple of questions.

James White was the original owner of water right 96-8811; however, I find no tax parcels within the licensed place of use currently owned by James White or the James E. White Jr. Trust. The claim to 96-8811 should be filed by the organization that manages the water system and conveys the water to its patrons. Can you please provide information about how the James E. White Jr. Trust is involved in the management of the community water system and water distribution to those served (15 homes)? I did find a tax parcel there owned by Bear Claw Water System LLC. Is that entity involved in this water right at all?

Hope you are getting out to enjoy this great weather!

Have a great Friday,

~Evan

From: Brian Ballard <BBallard@hawleytroxell.com>
Sent: Monday, June 3, 2024 3:09 PM
To: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Subject: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Evan: Thanks for the phone call earlier. The name on the claim in the Adjudication for Water Right #96-8811 should be:

U.S. Bank N.A.,
Trustee of the James E. White Jr. Trusts
c/o Hawley Troxell Ennis & Hawley, LLP
P.O. Box 1617
Boise, Idaho 83701-1617
Attention: Brian L. Ballard, Attorney

If you can email me the completed Claim, I will take care of signature and submission, along with payment of fees and charges required, and I will email you a copy for your files.

Please let me know if there is anything else you might need to put the claim together.

Thanks again.

BB



BRIAN L. BALLARD

Partner

O: 208.388.4868

C: 208.371.1414

E: bballard@hawleytroxell.com

hawleytroxell.com



HAWLEY TROXELL

Attorneys and Counselors



Member

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CERTIFICATE OF VITAL RECORD

595796

STATE OF IDAHO IDAHO DEPARTMENT OF HEALTH AND WELFARE BUREAU OF VITAL RECORDS AND HEALTH STATISTICS CERTIFICATE OF DEATH

State File No. 2002-00458

Date Filed JANUARY 28, 2002

DECEDENT - NAME JAMES EDWARD WHITE, JR.		AGE 75 YEARS	
DATE OF DEATH JAN. 07, 2002	SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	DATE OF BIRTH MAY 22, 1926
BIRTHPLACE WASHINGTON		CITY, TOWN OR LOCATION OF DEATH SANDPOINT, IDAHO	
WAS DECEDENT EVER IN U.S. ARMED FORCES? YES	MARITAL STATUS MARRIED	SURVIVING SPOUSE (if wife, maiden name) CONNIE CONNELL	
RESIDENCE STATE IDAHO		CITY, TOWN OR LOCATION CLARK FORK	
FATHER - NAME JAMES E. WHITE, SR.		BIRTHPLACE IDAHO	
MOTHER - NAME ANNA MABEL MURPHY		BIRTHPLACE KANSAS	
NAME AND ADDRESS OF MORTUARY COFFELT FUNERAL SERVICE, INC., SANDPOINT, IDAHO			
FUNERAL SERVICE LICENSEE BARTON D. CASEY			
METHOD OF DISPOSITION CREMATION	TIME OF DEATH 3:49 P.M.	MANNER OF DEATH NATURAL	
CAUSE OF DEATH (underlying cause last)		Approximate Interval between Onset and Death YEARS	
ATHEROSCLEROTIC HEART DISEASE - HYPERTENSION			
D (or as a consequence of):			
E (or as a consequence of):			
F (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE LISTED			
NAME OF CERTIFIER FRAZIER H. KING, M.D.		TITLE OF CERTIFIER PHYSICIAN	
ACTION		NAME	
EXPERIMENTAL USE ONLY			
DATE OF INJURY	HOUR OF INJURY	INJURY AT WORK?	
DESCRIPTION OF HOW INJURY OCCURRED			
PLACE OF INJURY	LOCATION OF INJURY		

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: JANUARY 30, 2002

Jane S. Smith
JANE S. SMITH
STATE REGISTRAR



Last Will and Testament

OF

JAMES E. WHITE, JR.

KNOW ALL MEN BY THESE PRESENTS that I, JAMES E. WHITE, JR., of legal age and a resident of Clarks Fork, Bonner County, State of Idaho, do hereby make, publish and declare this to be my Last Will and Testament in the manner and form as follows:

ARTICLE I

I hereby revoke all former Wills and Codicils to former Wills heretofore made, executed and published by myself, and declare this to be my Last Will and Testament.

ARTICLE II

Debts and Expenses

I hereby direct that my Personal Representative shall as soon after my demise as is convenient, pay and discharge all of my just debts and expenses, without waiving, however, any legal defenses to any claim that may in law or in fact exist.

James E. White

CLERK OF DISTRICT COURT
FIRST JUDICIAL DISTRICT

22 JUN 24 P 1:36

CLERK DISTRICT COURT

DEPUTY

[REDACTED]

ARTICLE VI

Property Disposed of by Will

I confirm to my wife her interest in our community property.
I intend by this Will to dispose of my separate property and my
one-half (1/2) interest in the community property of my wife and I.

[REDACTED]

James E. White

[REDACTED]

ARTICLE VIII

Residue Trust

I hereby give, devise and bequeath all of the rest, residue and remainder of my estate, both real and personal and wheresoever situated, to the U.S. BANK, as TRUSTEE, IN TRUST, to be known as the Residue Trust, to be held, administered and distributed as follows:

[REDACTED]

James E. White

[REDACTED]

James E. White
TESTATOR

Cheryl Pichner
WITNESS

John M. Miller
WITNESS

Subscribed, sworn to, and acknowledged before me by JAMES E. WHITE, JR., Testator, and subscribed and sworn to before me by Cheryl Pichner and John M. Miller, witnesses, this 27th day of October, 1998.

Patricia E. White
Notary Public for Idaho
Residing at Coeur d'Alene
My Commission expires: 1/16-98

FAWILLSW0115.1:22p
STATE OF IDAHO
County of Bonner
I, Marie Scott, Clerk of the District Court of the First Judicial District of the State of Idaho, do hereby certify that the foregoing instrument is a true and correct copy of the original thereof now on file in the office of the Clerk of the District Court of the First Judicial District of the State of Idaho.
Witness my hand and seal of said Court on this 18th day of March, 1999.
MARIE SCOTT, Clerk
By A. Phillips

James E. White

AFTER RECORDING RETURN TO:

Peter C. Erbland
Paine, Hamblen, Coffin, Brooke & Miller LLP
701 Front Ave., #101
PO Box E
Coeur d'Alene, ID 83816-0328

FILED
Peter C. Erbland
JAN 12 12 3:53
2400
SE

715057

Deed of Personal Representative

GLOY "CONNIE" WHITE, individually, and as the duly appointed, qualified and acting **Personal Representative of the Estate of James E. White, Jr., deceased**, having been so appointed pursuant to **LETTERS TESTAMENTARY** issued in Case No. CV-2002-1750 (formerly SP-02-00054), in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, on the 24th day of January, 2002, herein the **GRANTOR**, does hereby grant and convey unto the **GRANTEE**:

U. S. BANK, N.A., as Trustee of the James E. White, Jr. Credit Shelter Trust, as to an undivided 6.5% interest;

U. S. BANK, N.A., as Trustee of the James E. White, Jr. Exempt Marital Trust, as to an undivided 30.5% interest; and

U. S. BANK, N.A., as Trustee of the James E. White, Jr. Non-Exempt Marital Trust, as to an undivided 63% interest,

whose address is:

**PD-WA-T7TR
P. O. Box 3588
Spokane, WA 99220**

all right, title and interest of the Decedent, and of his estate, in and to the following-described real property, situate in the County of **Bonner**, State of Idaho, to-wit:

Parcel 1:

Lots 1, 2 and 5, Block 1, BEAR CLAW SUBDIVISION, according to the plat thereof recorded in Book 5 of Plats, Page 126, records of Bonner County, Idaho; AND amended by Addendums recorded on August 29, 1997, under Instrument No. 509760, and on October 29, 2004, under Instrument No. 662856, records of Bonner County, Idaho.

Parcel 2:

Lots 1, 2, 4, 6, 7, 10, 12, 13, 16, 17 and 22, Block 2, BEAR CLAW SUBDIVISION, according to the plat thereof recorded in Book 5 of Plats, Page 126, records of Bonner County, Idaho; AND amended by Addendums recorded on August 29, 1997, under Instrument No. 509760, and on October 29, 2004, under Instrument No. 662856, records of Bonner County, Idaho.

Parcel 3:

Lot 1, Block 3, BEAR CLAW SUBDIVISION, according to the plat thereof recorded in Book 5 of Plats, Page 126, records of Bonner County, Idaho; AND amended by Addendums recorded on August 29, 1997, under Instrument No. 509760, and on October 29, 2004, under Instrument No. 662856, records of Bonner County, Idaho.

Parcel 4:

The Southeast Quarter of the Northeast Quarter of Section 20, Township 55 North, Range 3 East, Boise Meridian, Bonner County, Idaho. EXCEPT mineral rights.

Parcel 5:

The North Half of Section 16, EXCEPT the West Half of the West Half of the Northwest Quarter of the Northwest Quarter, in Township 55 North, Range 3 East, Boise Meridian, Bonner County, Idaho.

Parcel 6:

The West Half of the Northwest Quarter, EXCEPT the North 825 feet thereof; and the South Half, all in Section 9, Township 55 North, Range 3 East, Boise Meridian, Bonner County, Idaho.

Parcel 7:

The North Half of the Northwest Quarter of Section 10, Township 55 North, Range 2 East, Boise Meridian, Bonner County, Idaho.

Parcel 8:

Government Lots 3 and 4; and the Southeast Quarter of the Southwest Quarter of Section 7, Township 55 North, Range 2 East, Boise Meridian, Bonner County, Idaho.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be executed this 27th day of Sept, 2006.

Gloy "Connie" White
Gloy "Connie" White, individually

**THE ESTATE OF JAMES E. WHITE, JR.,
DECEASED**

By Gloy Connie White P/R
Gloy "Connie" White, Personal Representative

STATE OF Idaho)
) ss.
County of Kootenai)

I certify that I know or have satisfactory evidence that **GLOY "CONNIE" WHITE, a single person**, is the person who appeared before me, and said persons acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 9/27, 2006.




Print Name: Rhonda L. Schettler
Notary Public in and for the State of Idaho
residing at Post Falls
My commission expires: 5/8/12

STATE OF Idaho)
 : ss.
County of Kootenai)

I certify that I know or have satisfactory evidence that **Gloy "Connie" White** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the **Personal Representative** of **THE ESTATE OF JAMES E. WHITE, JR., deceased**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument, and that Letters Testamentary authorizing her to act on behalf of said estate are still in full force and effect.

Dated: 9/27, 2006.



Rhonda L. Schultz
Print Name: Rhonda L. Schultz
Notary Public in and for the State of Idaho
residing at Post Falls
My commission expires: 5/8/12

QUITCLAIM DEED

Instrument # 799634
 BONNER COUNTY, SANDPOINT, IDAHO
 10-4-2010 01:45:08 No. of Pages: 1
 Recorded for : US BANK
 MARIE SCOTT Fee: 10.00
 Ex-Officio Recorder Deputy MS
 Index to: QUIT CLAIM DEED

FOR VALUE RECEIVED U.S. Bank, N.A., as Trustee of the James E. White, Jr., Credit Shelter Trust, the James E. White, Jr., Exempt Marital Trust and the James E. White, Jr., Non-Exempt Marital Trust, Grantor, does hereby convey, release, remise and forever quit claim unto **Bear Claw Water System, LLC**, Grantee, whose current address is c/o U.S. Bank, 1603 North Fourth Street, Coeur d'Alene, Idaho 83814, the following described property, located in Bonner County, Idaho, to-wit:

Lot 22A, Block 2, of the Re-plat of Bear Claw Subdivision, Book 10,
 Page 12 of Plats, Bonner County, Idaho.

To have and to hold the said premises, with their appurtenances.

Date: September 29, 2010

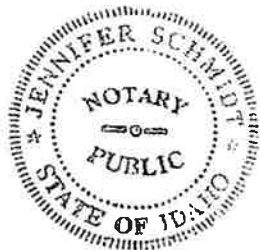
U.S. Bank, N.A.,
 Trustee of the James E. White Trusts

By: Cari Fraser

STATE OF IDAHO]
 ss.
 County of Kootenai]

On this 29th day of September, 2010 personally appeared before me, the undersigned, Cari Fraser, to me known to be the Officer, of the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument.

GIVEN under my hand and official seal this 29th day of September, 2010.



Jennifer Schmidt
 NOTARY PUBLIC in and for the
 State of Idaho
 Residing at: Coeur d'Alene
 My Appointment Expires: 10/2/2013

QCD
 Lot 22A

251



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY FILED EFFECTIVE

2010 MAY 27 PM 2:17

(Instructions on back of application)

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Bear Claw Water System LLC

2. The complete street and mailing addresses of the initial designated/principal office:

c/o U.S. Bank-Trustee, 1603 N 4th Street, Coeur d'Alene, ID 83814

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

James White Trusts-US Bank Trust

(Name)

1603 N 4th St, Coeur d'Alene, ID 83814

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

James White Trusts-US Bank Trustee

1603 N 4th St., Coeur d'Alene, ID 83814

5. Mailing address for future correspondence (annual report notices):

same

6. Future effective date of filing (optional):

Signature of organizer(s). (An organizer is a member, or is acting in behalf of a member or members).

Signature

Typed Name: Jennifer J. Schmidt for U.S. Bank Trust

Signature

Typed Name:

Secretary of State use only

gr00p110m0k11c10m0k00t10g10101010
Revised 07/2008
 IDAHO SECRETARY OF STATE
 05/28/2010 05:00
 CK: 445683 CT: 172099 EN: 1224358
 1 @ 100.00 = 100.00 ORGAN LLC # 2

W93760



0005245058

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0005245058

Date Filed: 5/17/2023 4:09:54 PM

Entity Name and Mailing Address:								
Entity Name:	BEAR CLAW WATER SYSTEM LLC							
The file number of this entity on the records of the Idaho Secretary of State is:	0000290792							
Address	ELEVEN-FOURTEEN INC 608 NORTHWEST BLVD STE 300 COEUR D ALENE, ID 83814-2174							
Entity Details:								
Entity Status	Active-Existing							
This entity is organized under the laws of:	IDAHO							
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W93760							
The registered agent on record is:								
Registered Agent	ELEVEN-FOURTEEN INC Registered Agent Physical Address 608 NORTHWEST BLVD STE 300 COEUR D'ALENE, ID 83814 Mailing Address							
Limited Liability Company Managers and Members								
<table border="1"><thead><tr><th>Name</th><th>Title</th><th>Business Address</th></tr></thead><tbody><tr><td>James E White Trusts</td><td>Member</td><td>C/O U.S. BANK 1603 N 4TH ST. COEUR D'ALENE, ID 83814</td></tr></tbody></table>			Name	Title	Business Address	James E White Trusts	Member	C/O U.S. BANK 1603 N 4TH ST. COEUR D'ALENE, ID 83814
Name	Title	Business Address						
James E White Trusts	Member	C/O U.S. BANK 1603 N 4TH ST. COEUR D'ALENE, ID 83814						
The annual report must be signed by an authorized signer of the entity.								
Job Title: Attorney								
<i>Dennis Davis</i>		<i>05/17/2023</i>						
Sign Here		Date						

B0802-1124 05/11/2023 4:09 PM Received by Office of the Idaho Secretary of State

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08811

Priority: August 9, 1994

Maximum Diversion Rate:
Maximum Diversion Volume:

0.05 CFS
31.5 AF

This is to certify, that JAMES WHITE
PO BOX 158

CLARK FORK ID 83811-0158 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 9, 1994; and has submitted Proof of Beneficial Use on November 7, 1995. An examination indicates that the works have a diversion capacity of 0.050 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.05 CFS	22.5 AF
DOMESTIC	01/01 to 12/31	0.05 CFS	9.0 AF
Totals		0.05 CFS	31.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 20, Township 55N, Range 03E
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
55N	03E	20	NESW 5	NWSW 5	SWSW 1	12
			SESW 1			

Total number of acres irrigated: 12

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08811

CONDITIONS OF APPROVAL AND REMARKS

6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. Irrigation occurring under this right is limited to 1/2 acre within each platted subdivision lot upon which a home has been constructed and shall not exceed a total of 7.5 acres within the place of use described above in a single irrigation season.
8. Domestic use is for 15 homes within the Bear Claw Subdivision and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12th day of August, 1977.


Acting for KARL J. DREHER, Director

SEP 10 1977

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/31/2023

Water Right 96-8811

Owner Type **Name and Address**
Current Owner JAMES WHITE
 PO BOX 153
 CLARK FORK ID 83811-0158
 (208) 290-5558

Priority Date: 8/3/1994
Right: License
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.050 CFS	22.5 AF
DOMESTIC	1/01	12/31	0.050 CFS	9.0 AF
Total Diversion			0.050 CFS	31.5 AF

Source and Point(s) of Diversion:
GROUND WATER NWSW Sec. 20, Twp 55N, Rge 03E, BONNER County

Place of Use:
IRRIGATION within BONNER County

Tap	Rng	Sec	NE				NW				SW				SE				Totals	
			N1	N2	N3	N4	N1	N2	N3	N4	N1	N2	N3	N4	N1	N2	N3	N4		
11N	03E	20																		
																			12.0	
																			POU Total Acres: 12.0	

DOMESTIC Same as IRRIGATION

Conditions of Approval:

1. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afu per acre for irrigation of the lands above.
2. 071 The domestic use authorized under this right shall not exceed 15,000 gallons per day per home.
3. Irrigation occurring under this right is limited to 1/2 acre within each platted subdivision lot upon which a home has been constructed and shall not exceed a total of 7.5 acres within the place of use described above in a single irrigation season. Domestic use is for 15 homes within the Bear Claw Subdivision and does not include lawn, garden, landscape, or other types of irrigation.

Comments:

Page 1 of 2

96-8811