

RECEIVED

FEB 01 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?
98-4213	Yes ☒	Yes ☐		Yes ☐	Yes ☐
598-8128	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: CONRAD A CHISHOLM
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): DAVID PFENNING LIVING TRUST
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 699 TWO TAIL RD BONNERS FERRY ID 83805
Mailing address City State Zip
208-267-5720 KATKATREES@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: _____
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.
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.

SUPPORT DATA

IN FILE # 98-4213

8. Signature: David Pfennig trustee 2-1-22
Signature of new owner/claimant Title, if applicable Date

Print name

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

Print name

For IDWR Office Use Only:

Received by Ja Date 2-1-22 Receipt No. N038267 Receipt Amt. 100⁰⁰
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 2/9/24

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/1/2022

Water Right 98-4213

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONRAD A CHISHOLM PO BOX 473 HAYDEN LAKE, ID 83835

Priority Date: 1/1/1901

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
ENEAS CREEK	KOOTENAI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/01	0.200 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
DOMESTIC	1/01	12/31	0.040 CFS	
<u>Total Diversion</u>			0.260 CFS	

Source and Point(s) of Diversion

ENEAS CREEK	NESE	Sec. 35, Twp 65N, Rge 01W,	BOUNDARY County
ENEAS CREEK	SWNW	Sec. 36, Twp 65N, Rge 01W,	BOUNDARY County
ENEAS CREEK	NWSW	Sec. 36, Twp 65N, Rge 01W,	BOUNDARY County

Place Of Use

IRRIGATION within BOUNDARY County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
65N	01W	35													25.0				25.0
65N	01W	36							25.0			20.0							45.0

POU Total Acres: 70.0

DOMESTIC Same as IRRIGATION
STOCKWATER Same as IRRIGATION

Conditions of Approval:

Comments:

Dates and Other Information

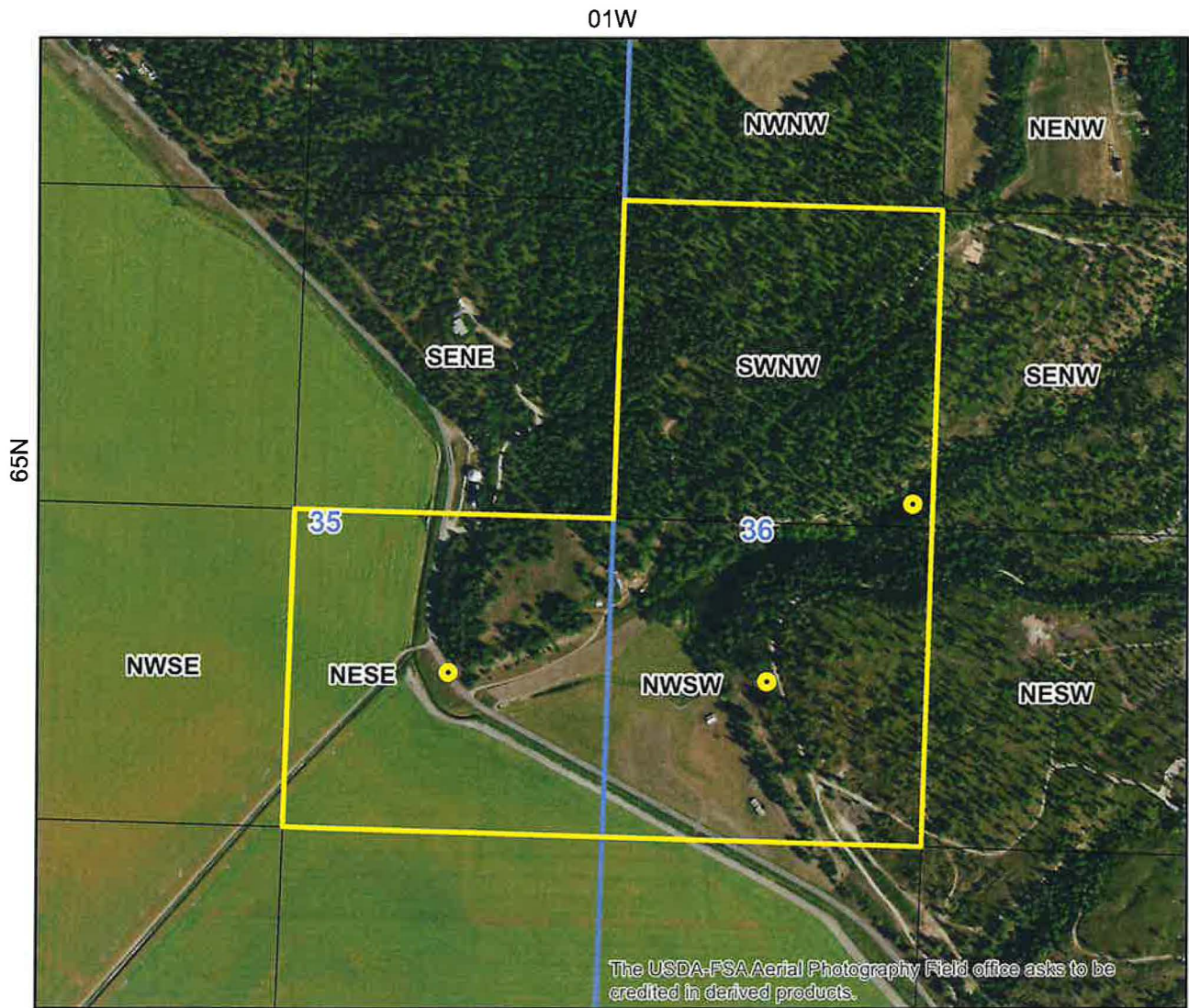
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

State of Idaho
Department of Water Resources
Water Right License
98-4213



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles







279082

WARRANTY DEED

Boundary Abstract
9-10-19
C. Granger
By Deputy
15 up ch
ST

C:
F:
C:
G:
C:
F:
M:

IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by

SAM CAREY and MARLA K CAREY, husband and wife, as community property with rights of survivorship, AND MARK J CAREY and LORALEE CAREY, husband and wife, as community property with rights of survivorship

the Grantors does hereby grant, bargain, sell, convey and warrant unto

DAVID PFENNING, TRUSTEE OF THE DAVID PFENNING LIVING TRUST, dated October 26, 1995

the Grantee whose current address is:

699 Two Tail Rd, Bonners Ferry, ID 83805

the following described premises, to-wit:

See Attached Exhibit A

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 their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

SAM CAREY

9-10-19
Date

MARLA K CAREY

9-10-19
Date

MARK J CAREY

9-10-19
Date

LORALEE CAREY

9-10-19
Date

STATE OF IDAHO)
)ss.
 County of Boundary)

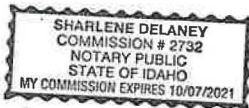
On this 10th day of September, 2019, before me, the undersigned Notary Public, personally appeared **SAM CAREY AND MARLA K CAREY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Sharlene Delaney
 Notary Public for Idaho
 Residing at Bonners Ferry
 Com. Expires: 10/7/2021

STATE OF IDAHO)
)ss.
 County of Boundary)

On this 10th day of September, 2019, before me, the undersigned Notary Public, personally appeared **MARK J CAREY AND LORALEE CAREY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Sharlene Delaney
 Notary Public for Idaho
 Residing at Bonners Ferry
 Com. Expires: 10/7/2021

Exhibit A

All that part of the Southwest Quarter lying North of the Farm to Market Road and West of the Chisholm Hill Road, in Section 36, Township 65 North, Range 1 West, B.M., Boundary County, Idaho.

LESS all of the Northeast Quarter of the Southwest Quarter in Section 36, Township 65 North, Range 1 West, B.M., Boundary County, Idaho.

SUBJECT TO AN EASEMENT ACROSS THE EXISTING ROAD THAT TRAVERSES THE ABOVE DESCRIBED PROPERTY FOR INGRESS, EGRESS AND UTILITIES FOR THE BENEFIT OF THE FOLLOW DESCRIBED PROPERTY:

The West Half of the Northwest Quarter of Section 36, Township 65 North, Range 1 West, B.M., Boundary County, Idaho.

AND

That part of the East Half of the Northeast Quarter (E1/2 NE1/4) of Section Thirty-five (35), Township Sixty-five (65) North, Range One (1) West, B.M., lying North and East of a line commencing on the East line of Section Thirty-five (35) and 743.1' North of the East quarter corner of Section Thirty-five (35); thence North 44 degrees 56' West 1854.8' to a point on the west line of said East Half of the Northeast Quarter, Boundary County, Idaho.

If the property that is receiving the benefit off this easement acquires an easement off of Stump Ranch Road to benefit these properties, then this easement shall be terminated and convert back to the grantees herein.

TOGETHER WITH an easement across the existing road that traverses the below described property for ingress, egress and utilities for the property conveyed in this deed:

That part of the Southeast Quarter (SE1/4) of Section Thirty-five (35), Township Sixty-five (65) North, Range One (1) West, B.M., lying north and east of the county road once known as the Kootenai Valley State Highway and sometimes known as the Farm to Market Road, and lying south and east of a line described as commencing at a point on the north line of said Southeast Quarter (SE1/4) 1085.1' east of the northwest corner of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4); thence South 42°33' West 544.6' to a point on the easterly line of said Kootenai Valley State Highway, Boundary County, Idaho. AND ALSO All of a 100 foot right-of-way in the NE1/4 of the SE1/4, Section 35, Township 65 North, Range 1 West, B.M., Boundary County, Idaho.



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 Mathew Weaver

February 09, 2024

THE DAVID PFENNING LIVING TRUST
699 TWO TAIL RD
BONNERS FERRY ID 83805-5957

Re: Change in Water Right Ownership: 98-4213 (Split into 98-4213 and **98-8128**)

Dear Water Right Holder(s):

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

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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)