

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 10 2024

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?
91-7139	Yes ☒	Yes ☐		Yes ☐	Yes ☐
Split into 91-8079	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Hells Gulch Water Association

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Robert J &/or Anita L Cole

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

32816 S HELLS GULCH RD

St. Maries

ID

83861

Mailing address

City

State

Zip

253 208-1660

rcole2100@comcast.net

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: Nov. 20, 2019

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

8. Signature: Robert J Cole

Signature of new owner/claimant

Title, if applicable

5-10-2024

Date

Robert J Cole

Print name

Signature: Anita L Cole

Signature of new owner/claimant

Title, if applicable

5-10-2024

Date

ANITA L COLE

Print name

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 ☐

\$100.00 **N044637** **5/10/24** **Received by** **YR3**

Completed: 7/13/24
by: NS



File No. 408352LS

WARRANTY DEED

For Value Received

Charles A. Baker and Sandra M. Baker, Trustees of The Baker Revocable Living Trust

The Grantor, does hereby grant, bargain, sell and convey unto

Robert J. Cole and Anita L. Cole, husband and wife, as community property, with right of survivorship

Address: 23214 145th Ave., Ct. East, Graham WA 98338

The Grantee, the following described premises, in Kootenai County, Idaho, to wit:

See Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 20, 2019

The Baker Revocable Living Trust

By: Charles A. Baker, Trustee

By: Sandra M. Baker, Trustee

STATE OF IDAHO

COUNTY OF KOOTENAI

On this 21st of November, 2019, before me, Lindsay Sargis, a Notary Public in and for said State, personally appeared Charles A. Baker and Sandra M. Baker, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustee, and acknowledged to me that he executed the same as such Trustee.

Notary Public for Idaho
Residing at Coeur d'Alene
My Commission Expires: 4/15/2022

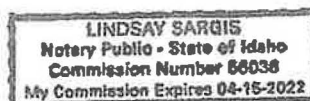


EXHIBIT A

PARCEL 1:

The South half of the North half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, State of Idaho.

PARCEL 2:

A part of the North half of the North half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, State of Idaho, more particularly described as follows:

COMMENCING at the 1/16 Section corner common to said Section 36 and 31, Township 47 North, Range 2 West, (the Northeast corner of said North half of the North half of the Southeast Quarter of the Northeast Quarter), monumented with a drill steel, from which the East Quarter Section of said Section 36 monumented with a drill steel bears South 0° 00' 21" East, 1318.57 feet (of record as South) distant; thence

South 0° 00' 21" East, 329.64 feet (of record as South) along the East line of said North half of the North half of the Southeast Quarter of the Northeast Quarter to the Southeast corner thereof, monumented with an iron rod, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

North 89° 43' 41" West, 87.23 feet along the South line of said North half of the North half of the Southeast Quarter of the Northeast Quarter and leaving said East line to an iron rod 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766, the POINT OF BEGINNING; thence

North 35° 36' 25" West, 19.43 feet and leaving said South line to an iron rod, 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

South 55° 23' 12" West, 15.80 feet to an iron rod 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

South 35° 36' 25" East, 8.28 feet to a point on said South line, said point being witnessed by an iron rod 30 inches long, 5/8 inch diameter with an aluminum cap, 2 inches diameter marked witness corner PLS 6766 which bears North 8° 43' 41" West, 3.00 feet distant from said point; thence

South 89° 43' 41" East, 19.50 feet along said South line to the POINT OF BEGINNING.



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

SCHEDULE C

The Land is described as follows:

PARCEL 1:

The South half of the North half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, State of Idaho.

PARCEL 2:

A part of the North half of the North half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, State of Idaho, more particularly described as follows:

COMMENCING at the 1/16 Section corner common to said Section 36 and 31, Township 47 North, Range 2 West, (the Northeast corner of said North half of the North half of the Southeast Quarter of the Northeast Quarter), monumented with a drill steel, from which the East Quarter Section of said Section 36 monumented with a drill steel bears South 0° 00' 21" East, 1318.57 feet (of record as South) distant; thence

South 0° 00' 21" East, 329.64 feet (of record as South) along the East line of said North half of the North half of the Southeast Quarter of the Northeast Quarter to the Southeast corner thereof, monumented with an iron rod, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

North 89° 43' 41" West, 97.23 feet along the South line of said North half of the North half of the Southeast Quarter of the Northeast Quarter and leaving said East line to an iron rod 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766, the POINT OF BEGINNING; thence

North 35° 36' 25" West, 19.43 feet and leaving said South line to an iron rod, 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

South 55° 23' 12" West, 15.80 feet to an iron rod 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

South 35° 36' 25" East, 8.28 feet to a point on said South line, said point being witnessed by an iron rod 30 inches long, 5/8 inch diameter with an aluminum cap, 2 inches diameter marked witness corner PLS 6766 which bears North 8° 43' 41" West, 3.00 feet distant from said point; thence

South 89° 43' 41" East, 19.50 feet along said South line to the POINT OF BEGINNING.

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History of Hells Gulch Water System, Land Ownership, and Water Rights

Prepared by Robert G. Haynes. P.E.

The Hells Gulch water system came about as a result of the subdivision of property in Section 36, TWP 47N, RGE 3W by a man named Bill Craner. On August 7, 1997 Mr. Craner signed a bill of sale conveying "certain wells and water sources" to Dana & Sheila Schmitz, Rebecca (Hayes) Hovey, Kenneth & Lisa Straw, Steve & June Addington, James P. Vedder and Larry & Joanna Dahlkey. Each received an undivided one-sixth interest. A water right, numbered 91-7139, in the name of Hells Gulch Water Association was filed on September 22, 1997. That application was signed by a Ken Wood as president of the association and listed water to be served to six homes for domestic and irrigation. The map for the application shows the owners of the property to be served as Schmitz, Hovey, Straw, Addington, Vedder and Dahlkey. On September 23 1997, a well was drilled for the Hells Gulch Water Association by Blue Water Drilling. Proof of Beneficial Use for the permit number 91-7139 was made on February 28 2003, claiming six homes on the system. A beneficial use exam was conducted by IDWR personnel on June 11 2007. The examiner found only four homes connected to the system. A license for those four homes was issued on July 31, 2007. That license covered the properties of Vedder, now owned by Mark & Merilee Keogh, Hovey, then owned by Charles F. & Barbara Baker and Charles A. & Sandra Baker and Steve & Joanna Dahlkey. The property of Charles F. & Barbara Baker has since been transferred to David Bailey. Robert Cole now owns the Charles A. & Sandra Baker property. On September 30, 2010 the association filed an adjudication claim in the North Idaho Adjudication based the license issued by IDWR. On October 22, 2015 Judge Wildman issued a partial decree recognizing four homes.

Apparently the Straws' and Addingtons' had withdrawn from the Association, because on August 25, 2003 a well was constructed on Straws' property and on August 29, 2003 a well was constructed on Addingtons' property. In records submitted to the Secretary of State's office, Steve Addington and Ken Straw were listed as officers in the association until 2004. It is unknown if Straws' and Addingtons' were ever hooked up to the association system. Straws' property is now owned by Zachery Hayanga and Cassandra Emery. No adjudications claims have been filed on either property.

On October 23, 2014, Dahlkeys' filed an adjudication claim for a well that they had drilled on 2012 on their property to replace water from the Hells Gulch Association system. They attempted claim a water right based on the license issued to the Hells Gulch Water Association. Because their well was not in the same 40 acre tract as the Hells Gulch well, they could not claim part of the Hells Gulch water right. The priority of the right decreed to them is based on when their well was drilled.

On August 3, 2015, Mark & Merilee Keogh filed a claim for water from a well which they had drilled in 2013 to replace water from the Hells Gulch system. Keogh's' also attempted base their claim on the Hells Gulch water right. Their well was not in the same 40 acre either. The priority of the right decreed to them is based on when their well was drilled.

Only two homes are now connected to what was the Hells Gulch water system. As a result, IDWR requested that the court issue an amended partial decree to the Hells Gulch Water Association for two homes instead of four. The REQUEST FOR CORECTION OF ERROR memo found in the digital records of file 92-7239 contains a more detailed description. Judge Wildman did that on March 14, 2016.

Hells Gulch Water Association registered with Idaho Secretary of State on June 15, 2001 with Ken & Lisa Straw listed as incorporators of the association. The association continued to file annual reports with the Secretary of States' office until 2013. No formal articles of incorporation have been found. As of this date the association is listed as dissolved by the office of Secretary of State.

On October, 16 2023, David Shevy drilled a well on property that was at one time owned by Dana & Sheila Schmitz. This was the last piece of property that the Hells Gulch water system was supposed to serve.

Change in Water Right Ownership

91-7139 Robert Cole

T47N R3W Sec 36





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

July 03, 2024

ROBERT J COLE
ANITA L COLE
32816 S HELLS GULCH RD
ST MARIES ID 83861-9606

Re: Change in Water Right Ownership: 91-7139 (Split into 91-7139 and **91-8079**)

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

Enclosure(s)