

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED ✓

AUG 16 2021

**Notice of Change in Water Right Ownership**

DEPT OF WATER RESOURCES  
SOUTHERN REGION

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 #6 of the instructions.

| Water Right/Claim No. | Split?                                  | Leased to Water Supply Bank? | Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? |
|-----------------------|-----------------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 37-23319              | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 37-23313              | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 37-23316              | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| Returned 37-23250     | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| Returned 37-8859      | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Dallas and Candice Smith  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Clarence and Lucy Zeller  
New owner(s) as listed on the conveyance document      Name connector ☒ and ☐ or ☐ and/or
- 8853 W Kiowa Dr      Boise      ID 83709  
Mailing address      City      State      ZIP
- 208-321-1188      zeller.lucy@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: 3-22-2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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 # 37-3688

8. Signature: Clarence Zeller      Title, if applicable: \_\_\_\_\_      Date: 8-10-21  
Signature of new owner/claimant
- Signature: Lucy Zeller      Title, if applicable: \_\_\_\_\_      Date: 8-10-21  
Signature of new owner/claimant

## For IDWR Office Use Only:

Received by SG      Date 8/16/21      Receipt No. 5038766      Receipt Amt. \$450.00

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 JB      Date 8-25-21

RE-RECORDED TO CORRECT LEGAL DESCRIPTION.

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
301 Main Street  
Gooding, ID 83330

**CAMAS COUNTY**

**RECORDED FOR:**

Deputy Clerk

11:49:07 AM 03-22-2021

**2021-090220**

No. PAGES: 2

FEE: \$15.00

**CAMAS COUNTY**

**RECORDED FOR:**

Clerk

11:31:27 AM 06-07-2021

**2021-090430**

No. PAGES: 2

FEE: \$15.00

KATHERINE RABLIN

COUNTY CLERK

DEPUTY: KR

PLEASE REMOVE THIS LINE FOR Recorder's Use Only

## **WARRANTY DEED**

File No.: **95844260 (1r)**

Date: **March 09, 2021**

For Value Received, **Dallas Smith and Candice Smith, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Clarence Zeller and Lucy Zeller, husband and wife**, hereinafter called the Grantee, whose current address is **8853 W Kiowa Dr, Boise, ID 83709**, the following described premises, situated in **Camas County, Idaho**, to-wit:

**BLOCK 1**

**LOT 5 IN THE WINDMILLS AT SOLDIER MOUNTAIN SUBDIVISION, CAMAS COUNTY, IDAHO AS THE SAME IS PLATTED IN THE OFFICIAL PLAT THEREOF, NOW OF RECORD IN THE OFFICE OF THE RECORDER OF SAID COUNTY.**

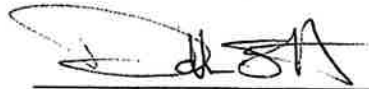
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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.

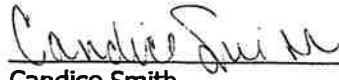
Date: 03/09/2021

Warranty Deed  
- continued

File No.: 958442GO (1r)



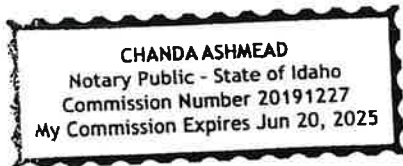
Dallas Smith



Candice Smith

STATE OF Idaho )  
COUNTY OF Camas )  
SS.

On this 17<sup>th</sup> day of March, 2021, before me, a Notary Public in and for said State, personally appeared **Dallas Smith and Candice Smith**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Notary Public for the State of Idaho

Residing at: Camas County

My Commission Expires: June 20, 2025

A PLAT SHOWING  
**THE WINDMILLS AT SOLDIER MOUNTAIN SUBDIVISION**  
 WHEREIN TRACT 7, AS SHOWN ON THE RECORD OF SURVEY OF SMOKEY DOME LLC TRACTS, IS SUBDIVDED AS SHOWN  
 LOCATED WITHIN SECTION 23, T.1 N., R.13 E., B.M., CAMAS COUNTY, IDAHO

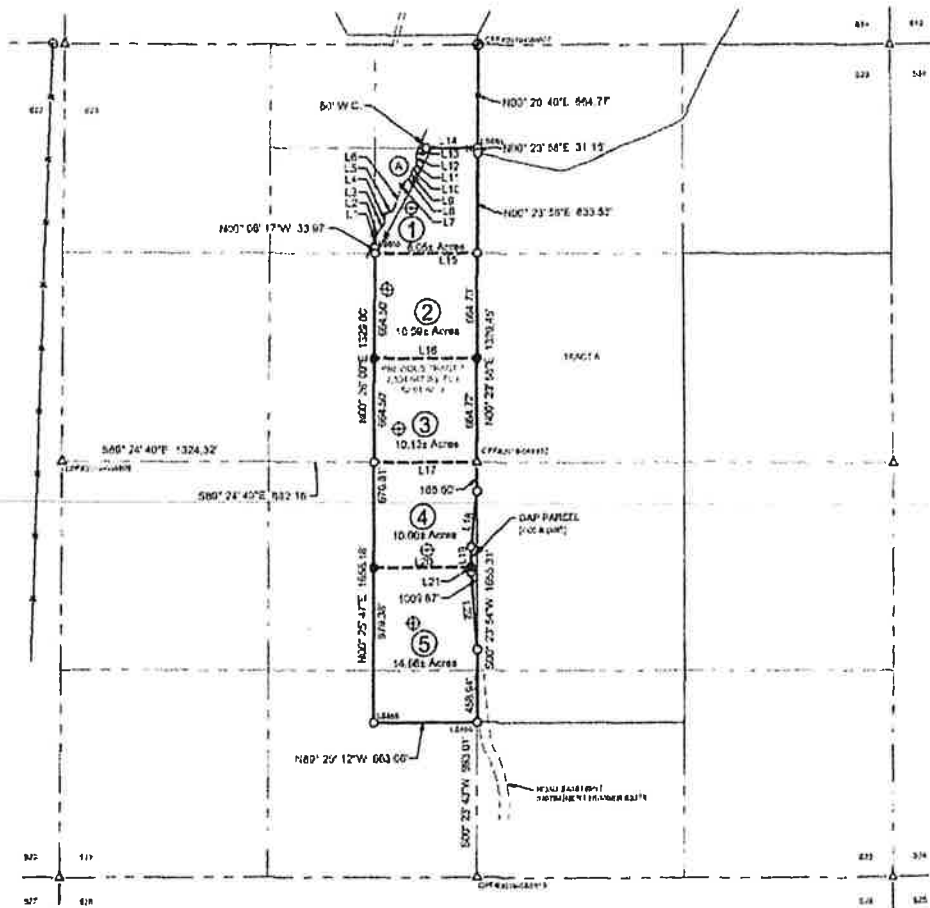
NOVEMBER 2020



SCALE: 1" = 500'

| Line Table |        |             |
|------------|--------|-------------|
| Line #     | Length | Direction   |
| L1         | 60.65  | N00°28'00"E |
| L2         | 46.74  | N28°29'18"E |
| L3         | 60.59  | N09°28'58"E |
| L4         | 67.67  | N02°08'34"E |
| L5         | 58.03  | N10°34'11"E |
| L6         | 78.41  | N22°34'57"E |
| L7         | 104.77 | N18°18'32"E |
| L8         | 56.02  | N48°24'58"E |
| L9         | 39.61  | N22°40'51"E |
| L10        | 30.30  | N35°24'33"E |
| L11        | 28.65  | N20°22'63"E |
| L12        | 39.17  | N14°40'38"W |
| L13        | 48.53  | N22°52'47"E |
| L14        | 379.48 | S09°29'05"E |
| L15        | 66.12  | N89°27'01"W |
| L16        | 66.174 | S89°25'50"E |
| L17        | 62.10  | S89°24'40"W |
| L18        | 368.93 | S08°38'12"W |
| L19        | 131.64 | S03°13'25"W |
| L20        | 623.63 | N89°34'13"W |
| L21        | 32.38  | S03°13'25"W |
| L22        | 490.67 | S04°06'11"E |

| PROPOSED PARCEL AREAS |          |        |
|-----------------------|----------|--------|
| PARCEL                | Sq. Ft.  | Ac.    |
| 1                     | 366,664± | 8.02±  |
| 2                     | 430,697± | 10.00± |
| 3                     | 439,838± | 10.10± |
| 4                     | 438,602± | 10.00± |
| 5                     | 636,786± | 14.66± |



**LEGEND**

- Property Line
- - - Proposed Property Line
- Adjacent Lot Line
- - - Section Line
- - - 1/4 & 1/10 Section Line
- - - Centerline West Fork of Threemile Creek
- - - Existing Fence Line
- - - Easement Line as Shown
- ⊙ Found Brass Cap in Concrete
- △ Found Aluminum Cap on 5/8" Rebar
- Found 5/8" Rebar, P.L.S. 15670 unless otherwise shown
- △ Calculated Point - Noting Stal
- Set 5/8" Rebar, P.L.S. 10070
- ⊕ Approved Septic Locations (see note 6)
- # Proposed Parcel Number (see Table for Areas)

**SURVEY NARRATIVE & NOTES**

- The purpose of this map is to subdivide Tract 7, as shown hereon, being based on the Record of Survey of Smokey Dome LLC Tracts, recorded as Instrument Number 2019-088925, records of Camas County, Idaho, and show the monuments found and set during the boundary retracement of said Tract 7. Refer to said Record of Survey for additional boundary and section breakdown information, Notes, Easements, documents used or referenced during the course of the above referenced Record of Survey establishing Tract 7, and Corner of Parcelization & Filing Information.
- A water boundary exists along the West Fork of Threemile Creek, indicated with an (C) on the map, and will shift, recede and/or accrete, with the West fork of Threemile Creek through time.
- This survey does not purport to reflect any of the following which may be applicable to subject real property: natural hazards, encroachments, encroachment, wetlands, easements, building setbacks, restrictive covenants, subdivision restrictions, zoning or any other land-use regulations.
- All Proposed Parcels will be subject to a County Road easement, along the Eastern boundary of Tract 7, being measured from the centerline of the existing road.
- Septic locations shown hereon have been approved by the South Central Public Health District. If an alternative location is preferred, it will have to be approved by the Health District. Wells are to be located a minimum of 100' away from a septic drainfield.

**CERTIFICATE OF SURVEYOR**

I hereby certify that I am a Registered Land Surveyor in the State of Idaho and that this map is a true and accurate representation of a survey done under my direct supervision.



MARK E. PHILLIPS, P.L.S. 15670

THE WINDMILLS AT SOLDIER MOUNTAIN SUBDIVISION  
 GALENA ENGINEERING, INC.  
 HAILEY, IDAHO  
 SHEET 1 OF 2  
 Job No. 7814

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date \_\_\_\_\_ South Central Public Health District



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

August 25, 2021

CLARENCE & LUCY ZELLER  
8853 W KIOWA DR  
BOISE ID 83709-6322

Re: Change in Water Right Ownership: 37-409B (Split into 37-409B and 37-23316), 37-368B (Split into 37-368B and 37-23313), 37-2076B (Split into 37-2076B and 37-23319); Rights 37-8859 and 37-23250 returned

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.**

**Please note, water rights 37-23250 and 37-8859 are not appurtenant to the property described on the deed submitted with the Notice, so they will not be processed and I will initiate a refund of the fees from the IDWR State office. You paid \$450.00 in fees and only \$300.00 were required, so you will be refunded \$150.00.**

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) 293-9909.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bitzenburg". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jim Bitzenburg  
Senior Water Resource Agent

Enclosure(s)

CC: Dallas and Candice Smith; WD-37B

**Bitzenburg, James**

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**From:** Bitzenburg, James  
**Sent:** Wednesday, August 25, 2021 12:22 PM  
**To:** IdwrPayable  
**Subject:** Request for Refund

IDWR Payable-

On August 16, 2021, our office received a *Notice of Change in Water Right Ownership* from Clarence and Lucy Zeller. The Notice was accompanied by a \$450.00 fee, which was intended to pay for splits and ownership changes on four rights and an ownership change (non-split) on one right. After reviewing the Notice, it was determined that only \$300.00 in fees were required (only three splits). As a result, \$150.00 extra was paid in fees. Could you issue a refund for the \$150.00 fee? The fee was paid by Clarence and Lucy Zeller. The address is:

**CLARENCE & LUCY ZELLER**  
**8853 W KIOWA DR**  
**BOISE ID 83709**

They paid for the notice with check #5429, and the receipt number is S038766. Thank you, and let me know if you need any more information.

Jim

**Jim Bitzenburg**  
**Senior Water Resource Agent**  
**Idaho Department of Water Resources**  
**Southern Regional Office**  
**Phone (208)-293-9909**  
[james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov)