Form 42-248/42-1409(6) Rev. 1/15

RECEIVED
JAN 19 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-23116	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-23209	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Alonzo B. LeaVell
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Rod Childers and Linda Childers
New owner(s) as listed on the conveyance document — Name connector ☐ and ☐ or ☐ and/or

1744 South 1800 East — Mailing address
Gooding — City
ID — State
83330 — ZIP

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: 1/11/2021.

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):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - 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 # 37-23116

8. Signature: [signature] — Signature of new owner/claimant — ~~Trustee~~ Title, if applicable — 1/15/2021 Date
Signature: [signature] — Signature of new owner/claimant — ~~Trustee~~ Title, if applicable — 1/15/2021 Date

For IDWR Office Use Only:
Receipted by SG Date 1/19/21 Receipt No. S038350 Receipt Amt. $50.00
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 2-9-2021 & 4-19-2021

RECORDING REQUESTED BY
First American Title Company

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

Instrument # 271381
GOODING COUNTY, GOODING, IDAHO
01-15-2021 09:44:53 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - JEROME
DENISE GILL Fee: $15.00
Ex-Officio Recorder Deputy: JG
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **935301GO (lr)**

Date: **January 11, 2021**

For Value Received, **Alonzo B. LeaVell and Charmianne LeaVell, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Rodney Dean Childers and Linda Marie Childers, husband and wife**, hereinafter called the Grantee, whose current address is **355 2nd Ave. West, Wendell, ID 83355**, the following described premises, situated in **Gooding** County, **Idaho,** to-wit:

LOTS 6 AND 7 OF WOOD RIVER ESTATES, LOCATED IN A PORTION OF GOVERNMENT LOT 2 OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 15 E.B.M., RECORDED FEBRUARY 16, 2007 AS INSTRUMENT NO. 220361, RECORDS OF GOODING COUNTY, STATE OF IDAHO

TOGETHER WITH Water right No. 37-23116 with a priority date 9/20/1974 described as .03cfs acre feet annually and irrigation of 1.5 acres. The place of use of the 1.5 acres to be owned by Rodney Dean Childers and Linda Marie Childers will be located on Gooding County Parcel #RP00114000060A also known as Lot 6 in Wood River Estates Subdivision. There will only be one POD of diversion authorized under this portion of Water right at the well with the ID415593 or Metal Tag #D0043482.
TOGETHER WITH Water right No. 37-23209 with a priority date 9/20/1974 described as .02cfs acre feet annually and irrigation of 1.0 acres. The place of use of the 1.0 acres to be owned by Rodney Dean Childers and Linda Marie Childers will be located on Gooding County Parcel #RP00114000070A also known as Lot 7 in Wood River Estates Subdivision. There will only be one POD of diversion authorized under this portion of Water right at the well with the ID415621 or Metal Tag #D0043483.

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 premi ses 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.

Alonzo B. LeaVell

Charmianne LeaVell

STATE OF Idaho)
ss.
COUNTY OF Gooding)

On this 14 **day of January, 2021**, before me, a Notary Public in and for said State, personally appeared **Alonzo B. LeaVell and Charmianne LeaVell**, 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.

LISA RITTER
COMMISSION NO. 30739
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 10/8/2022

Notary Public for the State of Idaho
Residing at: Gooding, ID
My Commission Expires: 10/8/2022

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 19, 2021

RODNEY DEAN CHILDERS
LINDA MARIE CHILDERS
355 2ND AVE W
WENDELL ID 83355-5007

Re: Change in Ownership for Water Right No(s): 37-23209 and 37-23116

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.

Per your email, which we received today, we will retain both Points of Diversion on each water right (see enclosed water right reports).

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,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: WD-130; First American Title Co., Gooding- File #935301GO

Bitzenburg, James

From: Southern Info
Sent: Monday, April 19, 2021 9:27 AM
To: Bitzenburg, James
Subject: FW: Water Rights

-----Original Message-----
From: Linda Childers [mailto:rlchilders@safelink.net]
Sent: Monday, April 19, 2021 8:54 AM
To: Southern Info <southerninfo@idwr.idaho.gov>
Cc: Linda Childers <rlchilders@safelink.net>
Subject: Water Rights

Mr. Jim Bitzenburg,

After our phone discussion regarding PODs, we would like to retain both POD's on each right so that we can irrigate out of either well on either lot.

Thank you for your patience.

Rodney D. Childers. Linda M. Childers

State of 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
Website: idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 9, 2021

RODNEY DEAN CHILDERS
LINDA MARIE CHILDERS
355 2ND AVE W
WENDELL ID 83355-5007

Dear Mr. and Mrs. Childers:

I am processing a *Notice of Change in Water Right Ownership* (Notice) which was submitted to our office in your name by First American Title Company of Gooding on January 19, 2021. The Notice and accompanying deed convey Lots 6 and 7 of Wood River Estates Subdivision near Gooding along with appurtenant water rights 37-23116 (Lot 6) and 37-23209 (Lot 7). Within the deed (a copy is enclosed), there is language which states that there will only be one authorized point of diversion (POD) for each water right (currently there are two authorized PODs for each water right, one on Lot 6 and one on Lot 7). The language in the deed would allow only one POD for the water right on each lot- the well that is physically located on each lot. Because you did not sign the deed, we are seeking your written intent on this issue. If you intend to maintain ownership of both lots with only one house, it may be better to retain both PODs on each right, so that you can irrigate either lot from either well (for example, if the pump became inoperable in one well, you would have a backup). If your intent is to retain one lot and sell off the other lot, then it probably would be better to have only the well on the appurtenant lot as the POD.

If you would like to give me a call to discuss this issue, feel free to contact me at 208-293-9909. Thank you and I look forward to receiving clarification from you on this situation.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosures

CC: Lisa Ritter, First American Title Company, Gooding- File #935301GO

RECEIVED
JAN 19 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

First American Title Company
301 Main Street, Gooding, ID 83330
Phone (208)934-4427 Fax (208)934-4741

Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

January 15, 2021
File No.: 935301GO (lr)

Attn: Water Right Change
Phone: 208-736-3033 Fax: 2087363037

Property: **1744 South 1800 East, Gooding, ID 83330**

Parcel No.: **RP001140000060A**

Our Check No. **12105** in the amount of **$50.00**, representing **Transfer Fee for Water Right 37-23116 & 37-23209**.

Legal Description of Property in question:

LOTS 6 AND 7 OF WOOD RIVER ESTATES, LOCATED IN A PORTION OF GOVERNMENT LOT 2 OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 15 E.B.M., RECORDED FEBRUARY 16, 2007 AS INSTRUMENT NO. 220361, RECORDS OF GOODING COUNTY, STATE OF IDAHO

Prior vested owner of property: **Alonzo B. LeaVell and Charmianne LeaVell, husband and wife**

TO WHOM IT MAY CONCERN:

Please be advised that the above referenced property has been sold and title is now vested as follows:

Rodney Dean Childers and Linda Marie Childers, husband and wife

as per copy of 271381 recorded Warranty Deed attached hereto. Please change your records accordingly and bill the new owners at:

Mailing Address: **355 2nd Ave. West, Wendell, ID 83355**

Sincerely,

Lisa Ritter, Escrow Officer

jc/lr