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STATE OF IDAHO
AUG 26 2021 DEPARTMENT OF WATER RESOURCES

AUG 19 2021

DEPARTMENT OF
WATER RESOURCESDepartment of Water Resources
Eastern Region

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. DE ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
75-7075 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
75-7076 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Ernie R. Benkstein and Suzie J Benkstein

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Randy L. Schmitz and Daisy M Schmitz

New owner(s) as listed on the conveyance document

Name connector ☒ and ☐ orMailing address 487 Hwy 93 NCity Carmen State ID Zip 83462Telephone 208-631-3088Email dschmitz@gmail.com

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: 8/1/2021
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: [Signature] Title, if applicable _____ Date 8/16/21

Signature of new owner/claimant

Print name Randy Schmitz

- Signature: [Signature] Title, if applicable _____ Date 8/16/2021

Signature of new owner/claimant

Print name Daisy M Schmitz

Received by JR Date 8/19/2021 For IDWR Office Use Only: Receipt No. E047281 Receipt Amt. \$25.00

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 [Signature] Date 9/2/2021

Current Water Right No.: 75-7075

Current Owner: ERNIE R BENKSTEIN
SUZIE J BENKSTEIN

Priority Date: 4/25/1977

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.02 CFS	3 AF
	<u>Total Diversion</u>	0.02 CFS	3 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4 Sec. 7, Twp 22N, Rge 22E B.M.

LEMHI County

Place of Use

IRRIGATION Within LEMHI County

T22N R22E S7 SENE 1.00

Total Acres: 1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 11/17/2008

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 75-7076

Current Owner: SUZIE J BENKSTEIN
ERNIE R BENKSTEIN

Priority Date: 4/30/1977

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	<u>Total Diversion</u>	0.04 CFS	1.2 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4 Sec. 7, Twp 22N, Rge 22E B.M.

LEMHI County

Place of Use

DOMESTIC Within LEMHI County

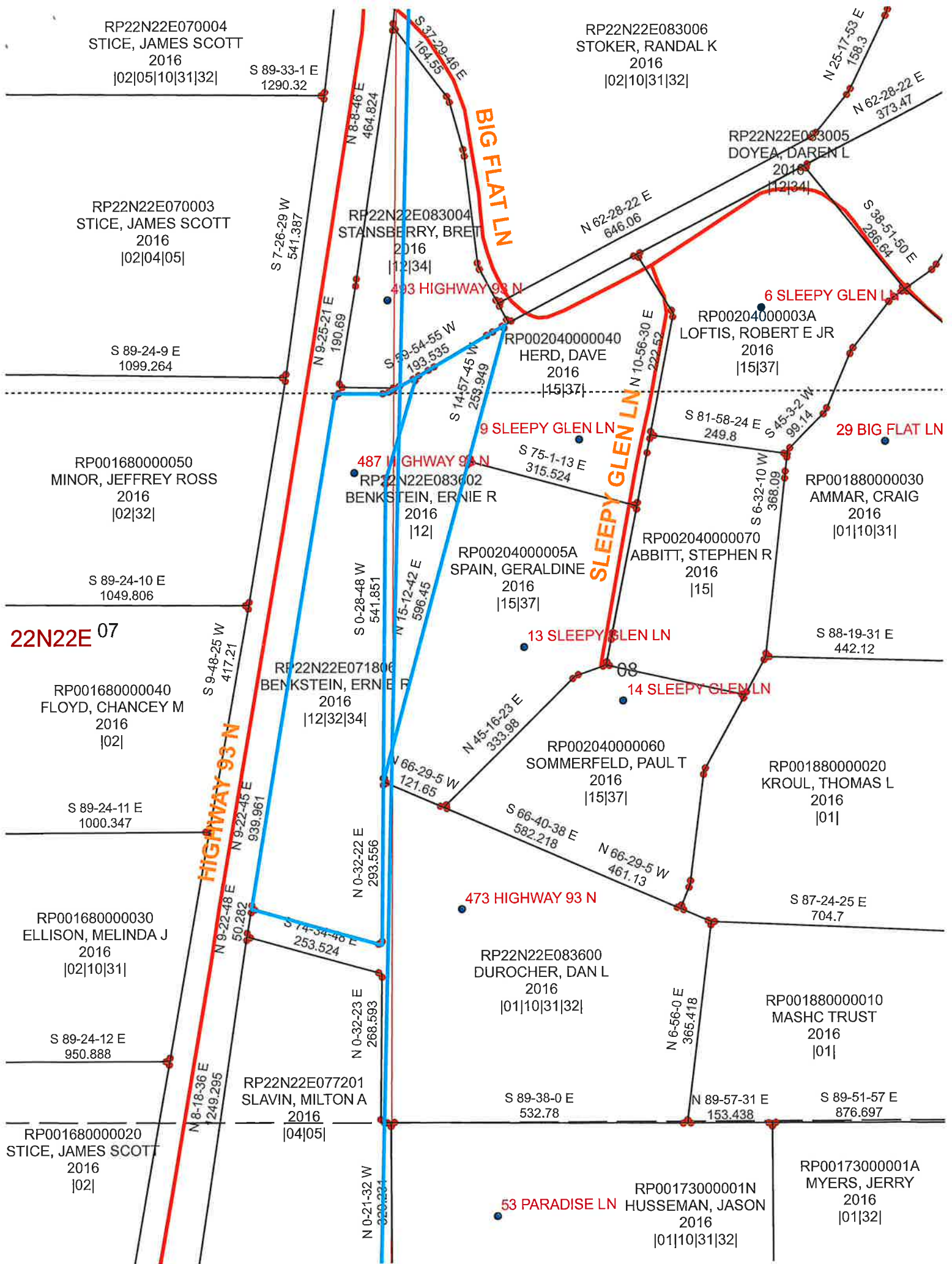
T22N R22E S7

SENE

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the def
the rights or for the efficient administration of the water rights as may be ultim;
determined by the Court at a point in time no later than the entry of a final unif
decree. Section 42-1412(6), Idaho Code.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Decreed Date: 11/17/2008



SPACE ABOVE RESERVED FOR RECORDER'S USE

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

FOR VALUABLE CONSIDERATION OF ONE DOLLAR (\$1.00), and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, ERNIE BENKSTEIN AND SUZIE BENKSTEIN, a married couple, hereinafter referred to as "Grantors", do hereby grant, convey, transfer, and forever quitclaim to DAISY SCHMITZ AND RANDY SCHMITZ, a married couple, hereinafter referred to as "Grantees", the following lands and property, together with all improvements located on the property, situated in the County of Lemhi, State of Idaho, whose address is commonly referred to as 487 Highway 93 North, Carmen, Idaho 83642 and is more particularly described as:

See Attached Legal Description

With all thereto appurtenances, oil, gas, and minerals, on and under the above-described property, and subject to all easements and restrictions of record.

Executed this 29 day of July, 2021.



ERNIE BENKSTEIN



SUZIE BENKSTEIN

STATE OF IDAHO)
) ss.
County of Lemhi)

On this 29 day of July, 2021 before me, the undersigned, a Notary Public in and for said State, personally appeared Ernie Benkstein known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tammy L. Trost
Notary Public for Idaho
Residing at Lemhi County (SEAL)
My commission expires: May 3, 2025

STATE OF IDAHO)
) ss.
County of Lemhi)

On this 29 day of July, 2021 before me, the undersigned, a Notary Public in and for said State, personally appeared Suzie Benkstein known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Tammy L. Trost
Notary Public for Idaho
Residing at Lemhi County (SEAL)
My commission expires: May 3, 2025



Exhibit A

Continued Schedule A

A fraction of the Southeast Quarter of the Northeast Quarter of Section 7, Township 22 North, Range 22 East, Boise Meridian, lying East of the Highway No. 93, and more particularly described as follows, to-wit:

Beginning at the Northeast Corner of said ~~SE1/4~~ of Section 7, run thence South along the East boundary of Section 7 a distance of 956.0 feet; thence West 242 feet to the Easterly right-of-way of U. S. Highway No. 93, 964 feet, to the Northerly boundary of the ~~SE1/4~~ of Section 7, thence East 104.0 feet to the POINT OF BEGINNING.

ALSO: A fraction of the ~~W1/4~~ of Section 8, Township 22 North, Range 22 East, Boise Meridian, more particularly described as follows, to-wit:

Beginning at the Northwest Corner of the ~~SW1/4~~ of Section 8, run thence North 61 deg. 02' East, 61.0 feet, thence South 16 deg. 19' West, 190.0 feet to a point on the West boundary of the ~~SW1/4~~ of Section 8, thence North along the West boundary of the ~~SW1/4~~ of Section 8 a distance of 152.7 feet to the POINT OF BEGINNING.

Also including:

A parcel of land located in the ~~SW1/4~~ and the ~~NE1/4~~, Section 8, Township 22 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more specifically described as follows:

Commencing at the West Quarter Corner of said Section 8, a distance of 501.94 feet on a bearing of North 0 deg. 40'30" East along the West boundary of Section 8 to the REAL POINT OF BEGINNING.
Thence continuing along the section line North 0 deg. 40'30" East, 558.15 feet;
Thence North 17 deg. 12'35" East, 189.19 feet;
Thence North 62 deg. 36'31" East, 180.00 feet;
Thence South 15 deg. 08'54" West, 891.13 feet to the REAL POINT OF BEGINNING.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 3, 2021

RANDALL LEE SCHMITZ
DAISY MAE SCHMITZ
487 HIGHWAY 93 N
CARMEN ID 83462-4522

Re: Change in Ownership for Water Right Nos: 75-7075 and 75-7075

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water rights 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.

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) 287-4920 or debbi.judd@idwr.idaho.gov.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures