

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 24 2020

Department 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
75-4114 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Joe A Schwilling, Donna Smith, Kwen Smith  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Douglas Todd Oakes, Teresa C. Oakes  
New owner(s) as listed on the conveyance document      Name connector      ☐ and      ☒ or      ☐ and/or
- P. O. Box 383      Blackfoot      ID      83221  
Mailing address      City      State      ZIP
- 208-313-2180      teaokes@msn.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: July 21, 2020
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.

8. Signature: *Douglas Todd Oakes*      Title, if applicable      Date 08-24-2020  
 Signature: *Teresa C. Oakes*      Title, if applicable      Date 08-24-2020

### For IDWR Office Use Only:

Received by *JB*      Date 8/24/20      Receipt No. 5046221      Receipt Amt. \$25.-  
 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 *JB*      Processed by *JB*      Date 8/25/20

State of Idaho  
Department of Water Resources

# Water Right

75-4114

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 7/23/2020



Legend

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



Instrument # 284502  
LEMHI COUNTY, Idaho  
Nov 12, 2010 2:40:13 pm  
For: LEMHI TITLE  
TERRI J. MORTON, Recorder  
BARMSTRONG, Deputy

**# Pages: 2**

**Fee: \$ 13.00**

# QUITCLAIM DEED

**FOR VALUE RECEIVED.**

[Grantor] KWEN SMITH & DONNA SMITH H & W does

hereby convey, release, remise and forever quit claim unto

[Grantee] JOE A. SCHWILLING A SINGLE <sup>PERSON</sup> whose current

**address is:**

2802 ARLINGTON Ave Caldwell, Id 83605

**the following described premises:**

**See attached Exhibit "A"**

**TO HAVE AND TO HOLD** the said premises, unto the said grantecs, heirs and assigns forever.

Date: \_\_\_\_\_

State of Oregon )  
 ) S.S.  
County of Canyon )

On this 4th day of October, in the year 2010, before me Maria Zuniga  
~~Evan + Donna Smith~~, personally appeared

Kwen & Donna Smith, proved to me on the basis of satisfactory evidence to be the person(s) whose names are subscribed to the within instrument, and acknowledged that (they) executed the same.

MARIA ZUNIGA  
NOTARY PUBLIC  
STATE OF IDAHO

Notary Public

My Commission Expires on 4.26.14

Residing in: Canyon County

**EXHIBIT "A"**

LOT EIGHT (8) OF THE PANTHER CREEK ESTATES, A SUBDIVISION LOCATED IN H.E.S. NO. 629, LEMHI COUNTY, IDAHO, AS IS MORE PARTICULARLY DESCRIBED ON THE PLAT FILED IN THE OFFICIAL RECORDS OF THE OFFICE OF THE RECORDER OF LEMHI COUNTY, IDAHO.

EXCEPTING THEREFROM: A PORTION OF LOT 8, PANTHER CREEK ESTATES, H.E.S. NO 629, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;  
COMMENCING AT CORNER NO. 6 OF H.E.S. NO. 629, A DISTANCE OF 77.00 FEET ON A BEARING OF N. 36°07' W., TO THE REAL POINT OF BEGINNING.  
FROM THIS REAL POINT OF BEGINNING A DISTANCE OF 550.70 FEET ON A BEARING OF S. 52°06'02" W., TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PANTHER CREEK ROAD; THENCE S. 53°06' E., 49.46 FEET ALONG THE CHORD OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 5°00'00" AND A RADIUS OF 567.00 FEET; THENCE S. 65°36' E., 62.52 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF PANTHER CREEK ROAD; THENCE N., 40°24'53" E., 529.70 FEET TO THE REAL POINT OF BEGINNING.



Instrument No. 320501  
 County Lemhi Co ID  
 Date: 07/24/2020  
 Time: 2:23

# Warranty Deed

*For Value Received*

**Joe A. Schwilling, a single person**

the grantor, does hereby grant, bargain, sell and convey unto

**Douglas Todd Oakes and Teresa C. Oakes, husband and wife**

Whose current address is:

**PO Box 383  
 Blackfoot, ID 83221**

the grantees, the following described premises, to-wit:

**See Attached Legal Description as Exhibit 'A'**

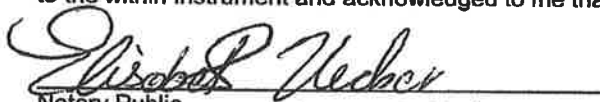
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: July 21, 2020

  
 Joe A. Schwilling

STATE OF Idaho )  
 ) ss  
 COUNTY OF Ada )

On this 21<sup>st</sup> day of July, 2020, before me, a notary public in and for said State, personally appeared Joe A. Schwilling known to me or proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

  
 Notary Public  
 Residing at: 1116 S. Vista Ave. Boise Id.  
 Comm. Expires: 06/28/2022



**Exhibit 'A'**  
**Legal Description**

LOT EIGHT (8) OF THE PANTHER CREEK ESTATES, A SUBDIVISION LOCATED IN H.E.S. NO. 629, LEMHI COUNTY, IDAHO, AS IS MORE PARTICULARLY DESCRIBED ON THE PLAT FILED IN THE OFFICIAL RECORDS OF THE OFFICE OF THE RECORDER OF LEMHI COUNTY, IDAHO.

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**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

August 25, 2020

DOUGLAS TODD OAKES  
TERESA C OAKES  
PO BOX 383  
BLACKFOOT ID 83221-0383

Re: Change in Ownership for Water Right No(s): 75-4114

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.

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) 497-3787.

Sincerely,

Jonie Barg  
Technical Records Specialist 1

Enclosure(s)