



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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

June 23, 2020

GERALD D SCHLABACH  
280 RED ROCK STAGE RD  
SALMON ID 83467-5202

RE: Change in Ownership Water Right No(s): 74-15935 & 74-15937

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on April 27, 2020 for the above referenced water rights. The Notice could not be processed because a chain of title was needed and the exhibit A from the quitclaim deed provided.

On May 4, 2020 the Department requested the additional information from you. As of the date of this letter, the Department has not received the requested information.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$50 has been requested and will be mailed to you under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley  
Technical Records Specialist 2

Enclosure(s)

\$50

DEV

RECEIVED

APR 27 2020

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESDEPARTMENT 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?
74-15937	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
74-15935	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 Bailey, Mark Yohman

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Gerald D Schlabach

New owner(s) as listed on the conveyance document

Name connector

☐ and☐ or☐ and/or280 Red Rock Stage RdSalmonID83467

Mailing address

City

State

ZIP

208-993-3347

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: Mar 19 2019

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

8. Signature: [Signature] Title, if applicable: \_\_\_\_\_ Date: Apr 16-2020

Signature of new owner/claimant

Title, if applicable

Date

Signature: \_\_\_\_\_ Title, if applicable: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of new owner/claimant

Title, if applicable

Date

## For IDWR Office Use Only:

Received by KM Date 4-27-2020 Receipt No. C108667 Receipt Amt. 50

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 \_\_\_\_\_ Date \_\_\_\_\_

G.S.

## Warranty Deed

*For Value Received*

**Joe Bailey, a single person as to an undivided 50% interest and Jennifer Call, an unmarried woman as to an undivided 50% interest**

the grantors, do hereby grant, bargain, sell and convey unto

**Gerald Schlabach, an unmarried man**

Whose current address is:

**1136 Hwy. 28  
Salmon, ID 83467**

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

**See Attached Legal Description as Exhibit 'A'  
See Attached Deed Restrictions as Exhibit 'B'**

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: March 19, 2019

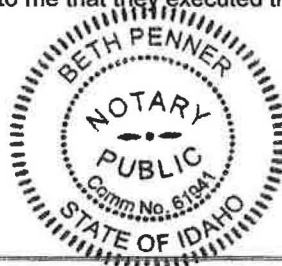
Joe Bailey  
Joe Bailey

Jennifer Call  
Jennifer Call

STATE OF Idaho )  
COUNTY OF Lehigh ) ss

On this 19th day of March, 2019, before me, a notary public in and for said State, personally appeared **Joe Bailey and Jennifer Call** known to me or proved to me to be the person whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Beth Penner  
Notary Public  
Residing at: Salmon, ID  
Comm. Expires: July 24, 2019



G.S.

Exhibit 'A'  
Legal Description

**PARCEL I**

**A PARCEL OF LAND LOCATED IN THE WEST HALF, SECTION 14, T. 20 N., R. 23 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

**COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION BEARS N 00°11'24"W A DISTANCE OF 2628.20 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N 11°41'22"E A DISTANCE OF 1090.66 FT. TO THE POINT OF BEGINNING;**

**THENCE EAST A DISTANCE OF 637.80 FT.;**

**THENCE SOUTH A DISTANCE 1046.61 FT.;**

**THENCE N 58°02'13"W A DISTANCE OF 280.50 FT.;**

**THENCE S 73°18'24"W A DISTANCE OF 570.46 FT.;**

**THENCE N 07°20'56"E A DISTANCE OF 86.19 FT.;**

**THENCE N 50°15'51"E A DISTANCE OF 53.11 FT.;**

**THENCE N 15°17'18"E A DISTANCE OF 664.94 FT.;**

**THENCE N 20°49'53"W A DISTANCE OF 184.45 FT. TO A POINT IN AN EXISTING FENCE;**

**THENCE N 06°38'44"W ALONG SAID FENCE A DISTANCE OF 129.57 FT. TO THE POINT OF BEGINNING.**

**PARCEL II**

**A PARCEL OF LAND LOCATED IN THE WEST HALF, SECTION 14, T. 20 N., R. 23 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

**COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION BEARS N 00°11'24"W A DISTANCE OF 2628.20 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N 11°41'22"E A DISTANCE OF 1090.66 FT. TO THE POINT OF BEGINNING;**

**THENCE N 06°38'44"W A DISTANCE OF 50.00 FT.;**

**THENCE EAST A DISTANCE OF 1529.48 FT.;**

**THENCE S 31°10'21"W A DISTANCE OF 1399.14 FT.;**

**THENCE N 58°02'13"W A DISTANCE OF 190.58 FT.;**

**THENCE NORTH A DISTANCE OF 1046.61 FT.;**

**THENCE WEST A DISTANCE OF 637.80 FT. TO THE POINT OF BEGINNING.**

G.S.

**PARCEL III**

**A 40.00 FT. WIDE EASEMENT WEST OF THE FOLLOWING DESCRIBED LINE:**

**COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, RUN THENCE N. 47° 23' 56" W. A DISTANCE OF 1981.80 FT. TO A POINT AT THE END OF AN EXISTING COUNTY ROAD AND THE EASTERLY RIGHT OF WAY OF SAID EASEMENT AND THE POINT OF BEGINNING.**

**THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID EASEMENT:**

**S. 44° 51' 42" E. 234.71 FT.; S. 30° 04' 48" E. 390.71 FT.;  
S. 50° 06' 01" E. 451.71 FT.; S. 64° 27' 27" E. 199.85 FT.;  
S. 40° 53' 47" E. 803.80 FT.; S. 43° 19' 36" E. 115.83 FT.;  
S. 17° 38' 28" E. 184.57 FT.; S. 08° 41' 58" E. 379.49 FT.;  
S. 06° 30' 18" E. 504.29 FT.; S. 04° 45' 20" E. 422.47 FT.;  
S. 10° 16' 37" W. 916.01 FT.; S. 29° 37' 36" W. 138.01 FT.;  
S. 31° 37' 59" W. 87.77 FT. TO A POINT ON THE WESTERLY BOUNDARY OF SAID SECTION 14.**

## Quitclaim Deed

*For Value Received*

**Gerald Schlabach, a married man who acquired title as an unmarried man**  
does hereby convey, release, remise and forever quit claim unto:

**Gerald Schlabach, a married man**

Whose current address is:

280 Red Rock Stage Rd.  
**Salmon, ID 83467**

the following described parcels located in Lemhi County, Idaho to-wit:

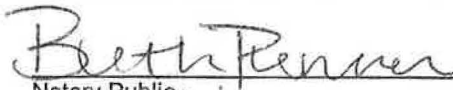
**See Attached Legal Description as Exhibit 'A'**

Dated: January 8, 2020

  
\_\_\_\_\_  
**Gerald Schlabach**

STATE OF IDAHO           )  
                                      ) ss  
COUNTY OF LEMHI       )

On this 8th day of January, 2020, before me, a notary public in and for said State,  
personally appeared **Gerald Schlabach** 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: Salmon, ID  
Comm. Expires: July 24, 2025



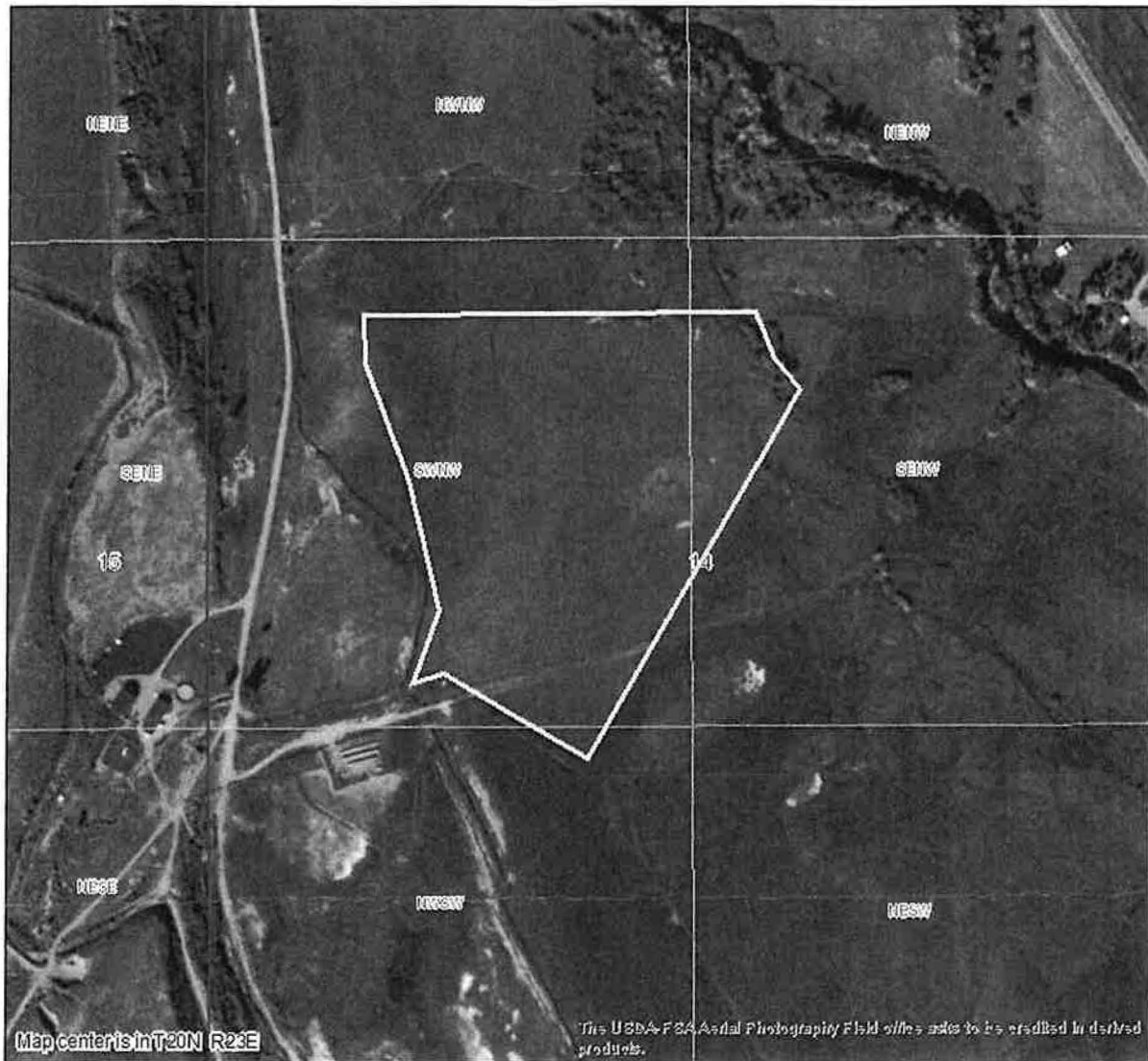
State of Idaho  
Department of Water Resources

# Water Right

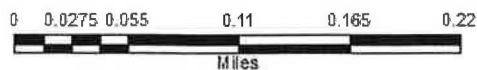
74-15937

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: 3/24/2020



Legend

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

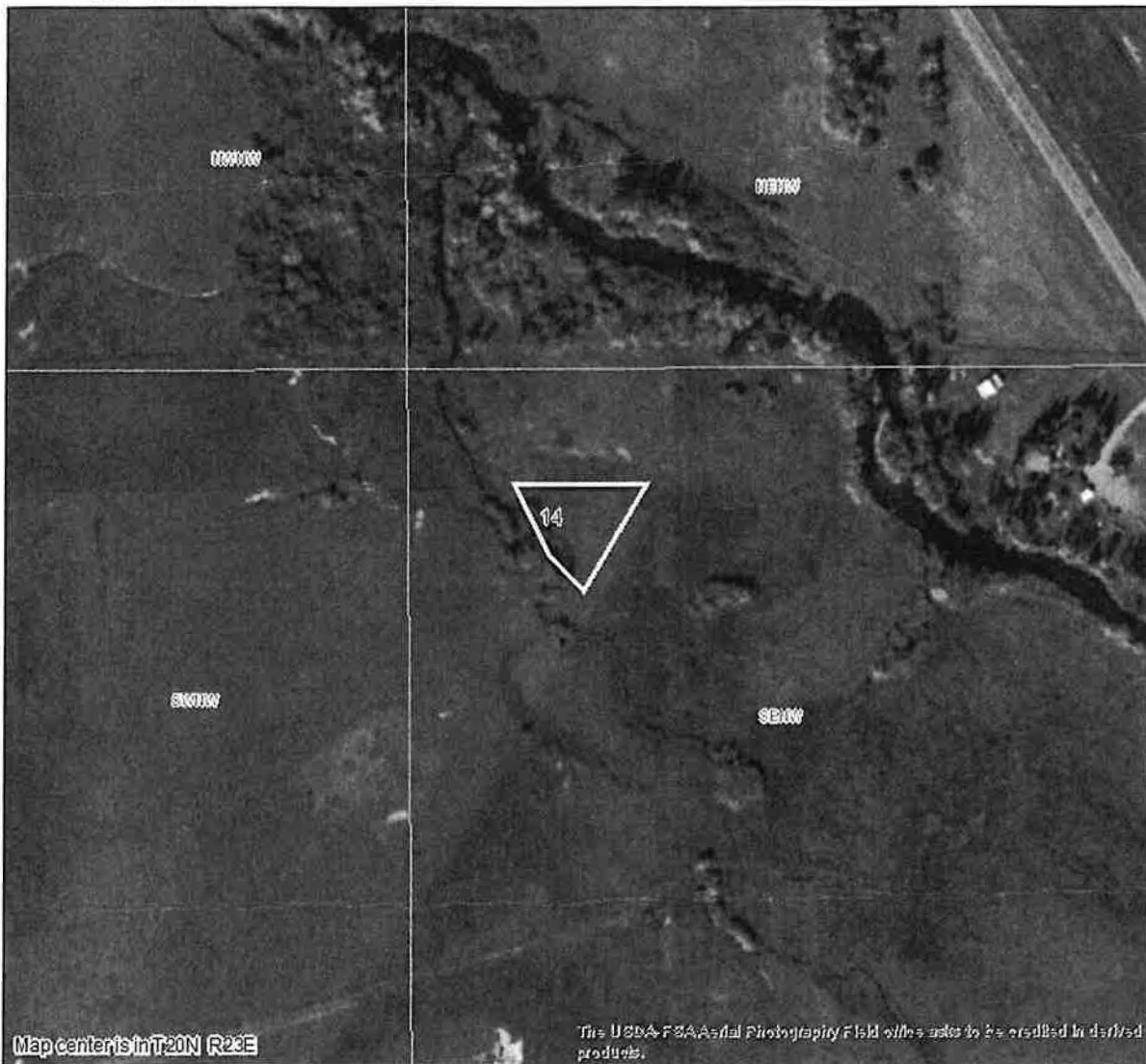


State of Idaho  
Department of Water Resources  
**Water Right**

74-15935

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: 3-24-2020



Legend

- Place of Use Boundary
- ☐ Townships
- ☐ PLS Sections
- ☐ Quarter Quarters



## ***MEMORANDUM***

TO: Sascha Marston  
FROM: Jean Hersley  
DATE: June 23, 2020  
RE: **Refund: ownership change returned unprocessed**

Please refund \$50.

NAME: GERALD D SCHLABACH DBA K MOUNTAIN COLTS  
280 RED ROCK STAGE RD  
SALMON ID 83467

RECEIPT #: C108667

Thank you.

Jean

**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Tuesday, June 23, 2020 7:56 AM  
**To:** IdwrPayable  
**Subject:** refund  
**Attachments:** Schlabach, Gerald.doc

Please process the attached refund. Thank you.

Jean



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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

May 4, 2020

GERALD D SCHLABACH  
280 RED ROCK STAGE RD  
SALMON ID 83467-5202

RE: Change in Ownership Water Right No(s): 74-15935 & 74-15937

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

☒ The Department will need the document that conveyed interest from Mark Yohman to Jennifer Call. These water rights were decreed in the names of Joe Baily and Mark Yohman. These documents are available at the county recorder's office.

☒ The quitclaim deed you provided is missing the Exhibit "A". This exhibit has the legal description of the land conveyed. The Department will need that document before processing your request.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed. You can send the documents to the address on this letter or email to: [jean.hersley@idwr.idaho.gov](mailto:jean.hersley@idwr.idaho.gov).

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley  
Technical Records Specialist 2

Enclosure(s)