

RECEIVED

MAR 14 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JAN 31 2019

DEPT OF WATER RESOURCES

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?
37-22305	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Joseph D. Shaffer
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Philemon A. Rich / Jennifer D. Rich
New owner(s) as listed on the conveyance document Name connector ☐ and ☒ or ☐ and/or
- 2270 S 1400 E Gooding ID 83330
Mailing address City State ZIP
- 208-320-6094 philemon06@icloud.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: Jan 3 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: Philemon A. Rich 01-22-2019
Signature of new owner/claimant Title, if applicable Date
- Signature: Jennifer D. Rich 01-22-2019
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by BM Date 1-31-2019 Receipt No. SO37138 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 _____ Processed by dj Date 4-1-19

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

Instrument # 235624

GOODING, GOODING, IDAHO

9-27-2010 11:02:04 No. of Pages: 1

Recorded for : LAND TITLE AND ESCROW, INC

DENISE M. GILL Fee: 10.00

Ex-Officio Recorder Deputy

PERSONAL REPRESENTATIVE'S DEED

For Value Received

Carl Daniel Shaffer as Personal Representative of the Estate of Joseph Dean Shaffer, Sr., deceased

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Carl Daniel Shaffer, a married man contracting as his sole and separate property
ADDRESS: P.O. Box 524, Inkom, Idaho 83245

Hereinafter called the grantee, the following described premises, in Gooding County, Idaho to-wit:

A parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 6 South, Range 14 East, Rectangular in shape, Beginning in the SW corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28.

Thence East 400' to a point.

Thence North 544.5' to a point.

Thence West 400' to a point.

Thence South to the point of Beginning.

This Deed is executed pursuant to Letters Testamentary in the matter of the Estate of Joseph Dean Shaffer, Sr., deceased, dated May 2, 2008 and recorded July 27, 2009 as Instrument No. 231333, records of Gooding County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: September 15, 2010

Estate of Joseph Dean Shaffer, Sr., deceased

Carl Daniel Shaffer P.R.

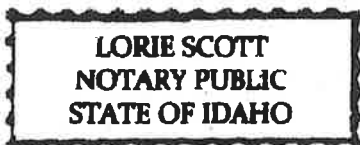
Carl Daniel Shaffer, Personal Representative

STATE OF IDAHO)

) ss.

COUNTY OF CASSIA)

On this 15th day of September, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Carl Daniel Shaffer, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Joseph Dean Shaffer, Sr, deceased, and acknowledged to me that he executed the same as such Personal Representative.



Lorie Scott

Notary Public

Residing at:

My Commission expires: 1-13-16

16282455
WARRANTY DEED
Alliance Title & Escrow Corp. Order No.:337169

FOR VALUE RECEIVED

Carl Dan Shaffer, *
*Also shown of record as Carl Daniel Shaffer
the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Justin Glen Miller and Jamey Lee Miller husband and wife

whose current address is

2270 South 1400 East
Gooding, ID 83330

the grantee(s), the following described premises, in Gooding County, Idaho, TO WIT:

**TOWNSHIP 6 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 28: A parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, more particularly described as follows:

Commencing at the Southwest corner of said Section 28, (from which the South one quarter (S $\frac{1}{4}$) corner of said Section 28 bears North

88°37'22" East, 2674.72 feet);

Thence North 88°37'22" East along the South boundary of Section 28 for a distance of 691.52 feet;

Thence North 01°36'56" West for a distance of 949.10 feet and being THE TRUE POINT OF BEGINNING;

Thence North 01°36'56" West for a distance of 727.70 feet;

Thence North 17°10'23" East for a distance of 82.33 feet;

Thence North 57°17'09" West for a distance of 263.56 feet;

Thence South 09°03'08" West for a distance of 555.88 feet;

Thence South 01°27'52" East for a distance of 421.09 feet;

Thence North 85°50'48" East for a distance of 295.44 feet to THE TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide road easement located along the West 25' of said parcel.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: Nov. 22, 2016

Carl Dan Shaffer
Carl Dan Shaffer

Natalie Shaffer
Natalie Shaffer

State of Idaho) ss
County of Bannock }

On this 22 day of November, 2016, before me, the Undersigned, a Notary Public in and for said state, personally appeared Carl Dan Shaffer and Natalie Shaffer, 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 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.

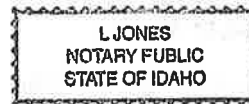


Notary Public for the State of Idaho

Residing at:

Commission Expires:

RESIDES IN
POCATELLO
EXPIRES 06-01-2019



TRUSTEE'S DEED

File No.: 406512 / 695624-J

Customer Ref No: 1979/Miller/Eagle Eye/Mtn View Holdings

Alliance Title & Escrow Corp., (herein called Trustee) as Trustee under the Deed of Trust hereinafter particularly described, does hereby BARGAIN, SELL and CONVEY, WITHOUT WARRANTY, to PHILEMON A. RIEHL AND JENNIFER D. RIEHL, HUSBAND AND WIFE (herein called GRANTEE)

whose address is: 1071 B EAST 2250 S, BLISS, ID 83314

all of the real property situated in the County of Gooding, State of Idaho described as follows:

TOWNSHIP 6 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 28: A parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, more particularly described as follows:

Commencing at the Southwest corner of said Section 28, (from which the South one quarter (S $\frac{1}{4}$) corner of said Section 28 bears North

88°37'22" East, 2674.72 feet);

Thence North 88°37'22" East along the South boundary of Section 28 for a distance of 691.52 feet;

Thence North 01°36'56" West for a distance of 949.10 feet and being THE TRUE POINT OF BEGINNING;

Thence North 01°36'56" West for a distance of 727.70 feet;

Thence North 17°10'23" East for a distance of 82.33 feet;

Thence North 57°17'09" West for a distance of 263.56 feet;

Thence South 09°03'08" West for a distance of 555.88 feet;

Thence South 01°27'52" East for a distance of 421.09 feet;

Thence North 85°50'48" East for a distance of 295.44 feet to THE TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide road easement located along the West 25' of said parcel.

This conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust between Justin Glen Miller and Jamey Lee Miller, husband and wife as Grantor, Alliance Title & Escrow Corp., the Trustee herein, and Eagle Eye Investing, LLC and Mountain View Holdings, LLC, as Beneficiary, recorded November 28, 2016, as Instrument No. 256716, records of Gooding County, Idaho, and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

- (a) Default occurred in the obligations for which such Deed of Trust was given as security and the Beneficiary made demand upon the said Trustee to sell said property pursuant to the terms of said Deed of Trust. Notice of default was recorded as Instrument No. 262670, Gooding County Mortgage Records and in the office of the Recorder of each other county in which the property described in said Deed of Trust, or any part thereof, is situated, the nature of such default being as set forth in said notice of Default. Such default still existed at the time of sale.
- (b) After recordation of said Notice of Default, Trustee gave notice of the time and place of the sale of said property by registered or certified mail, by personal service upon the occupants of said real property, by posting in a conspicuous place on said property and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to date of sale as Instrument No.(s): 263070, 263071 and 263072, Gooding County, Idaho Mortgage Records. In accordance with Idaho Code 45-1505, additional notice alerting delinquent homeowners of foreclosure rescue schemes was duly presented.
- (c) The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) supra and of the Affidavits referred to in paragraph (b) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth herein at length.
- (d) Not less than 120 days elapsed between the giving of notice of sale by registered or certified mail and the sale of said property.

- (e) Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to the Grantee, being the highest bidder therefore, the property herein described, for the sum of \$162,700.00 subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

IN WITNESS WHEREOF, The Trustee, pursuant a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its Vice President and its corporate seal to be affixed by its Assistant Secretary this 3rd day of January, 2019.



Alliance Title & Escrow Corp.

By:

Attest:

State of Idaho

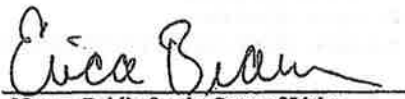
County of Ada

}
} ss.
}

On this 3rd day of January, 2019, before me Erica Braun, a Notary Public in and for said state, personally appeared Dianna Lords and Bobbi Oldfield known to me to be the Vice President and Assistant Secretary of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, they executed the foregoing in said Corporation name and acknowledged to me that said corporation executed 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.




Notary Public for the State of Idaho
Residing at: Boise, ID
Commission Expires: 12/23/2020

IDAHO DEPARTMENT OF WATER RESOURCES	1/14/2019
Proof Report	

Water Right 37-22305

Owner Type	Name and Address
Current Owner	JOSEPH D SHAFFER 4336 HENDERSON LN POCATELLO, ID 83202-2777 (208) 934-8262

Priority Date: 7/22/1971

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/15	0.080 CFS	12.0 AF
Total Diversion			0.080 CFS	12.0 AF

Source and Point(s) of Diversion

GROUND WATER	SENESEW	Sec. 28, Twp 06S, Rge 14E, GOODING County
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Place Of Use

IRRIGATION within GOODING County																			
			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	14E	28												3.0					3.0
															POU Total Acres: 3.0				

Conditions of Approval:

1. P29	THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-07063 AND 37-7107.
2. S40	THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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.
6. S05	USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

State of Idaho
Department of Water Resources

Water Right
37-22305

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.

14E



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

0 0.05 0.1 0.2 Miles





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

April 2, 2019

Gary Spackman
Director

PHILEMON A RIEHL
JENNIFER D RIEHL
2270 S 1400 E
GOODING ID 83330-5267

Re: Change in Ownership for Water Right No: 37-22305

Dear Water Right Holders:

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

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c. Water District 130