

RECEIVED

AUG 30 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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AUG 27 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

IDWR / NORTH 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?
94-8471	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:

Connie L. and Richard Gutierrez
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Joel A. Nichols and Tammy L. Howe-Schmier
New owner(s) as listed on the conveyance document

6127 S 45TH W
Mailing address

Idaho Falls
City

ID 83402
State ZIP

208 351 6239
Telephone

its.tamee@gmail.com
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: August 15th 2018
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:

Signature of new owner/claimant

Title, if applicable

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by BM

Date 8-27-2018

Receipt No. 5036937

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 NS

Date 3-20-19

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2 E. Mullan
Kellogg, ID 83837

495319

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **693148-WA (JS)**

Date: **August 13, 2018**

For Value Received, **Richard Gutierrez and Connie L. Gutierrez, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Joel A. Nichols, an unmarried man and Tammy L. Howe-Schmier, an unmarried woman**, hereinafter called the Grantee, whose current address is **6127 S. 45th West, Idaho Falls, ID 83402**, the following described premises, situated in **Shoshone County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

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.

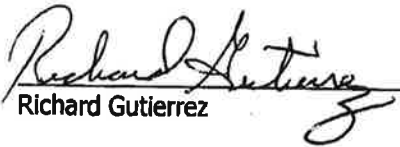
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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.

495319

Date: 08/13/2018

Warranty Deed
- continued

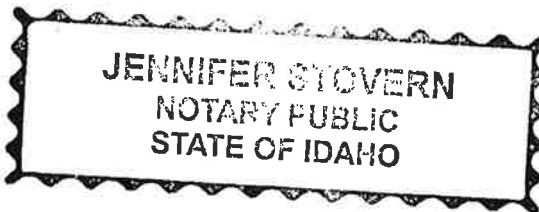
File No.: 693148-WA (JS)


Richard Gutierrez


Connie L. Gutierrez

STATE OF Idaho)
COUNTY OF Shoshone)
14th

On this ~~Seventeenth~~ ^{14th} day of August, 2018, before me, a Notary Public in and for said State, personally appeared **Richard Gutierrez and Connie L. Gutierrez**, 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.




Notary Public for the State of Idaho
Residing at:

My Commission Expires:

Pinehurst
May 23, 2023

495319

Date: 08/13/2018

Warranty Deed
- continued

File No.: 693148-WA (JS)

EXHIBIT A

Parcel 1:

A parcel of land situated in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 21, Township 48 North, Range 4 East B.M., Shoshone County, Idaho being more particularly described as follows:

Beginning at a point on the south side of the Revenue Gulch County Road from which the northeast corner of said Section 21 bears North 58°01'49" East a distance of 1143.57 feet; Thence

South 13°45'58" East a distance of 215.74 feet to a point; Thence

South 73°42'16" West a distance of 177.28 feet to a point; Thence

North 81°04'29" West a distance of 340.12 feet to a point; Thence

North 10°24'45" West a distance of 119.12 feet to a point on the south side of said Revenue Gulch County Road; Thence

North 79°35'15" East along said county road a distance of 238.43 feet to a point; Thence

North 79°10'15" East along said county road a distance of 246.23 feet to the point of beginning

Parcel 2:

A parcel of land situated in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 21, Township 48 North, Range 4 East B.M., Shoshone County, Idaho being more particularly described as follows:

Commencing at a point on the south side of the Revenue Gulch County Road from which the northeast corner of said Section 21 bears North 58°01'49" East a distance of 1143.57 feet; Thence

South 13°45'58" East a distance of 215.74 feet to the true point of beginning; Thence

South 73°42'16" West a distance of 177.28 feet to a point; Thence

North 81°04'29" West a distance of 340.12 feet to a point; Thence

North 10°24'45" West a distance of 119.12 feet to a point on the south side of said Revenue Gulch County Road; Thence

South 77°20'30" West along said county road a distance of 148.28 feet to a point; Thence

South 69°18'45" West along said county road a distance of 239.72 feet to a point; Thence

Date: 08/13/2018

Warranty Deed
- continued

File No.: 693148-WA (JS)

South 13°49'00" East a distance of 3.81 feet to the northeast corner of Block 2 of Voltolini Addition to Silverton; Thence

South 13°49'00" East along the east line of said Block 2 a distance of 345.00 feet to the southwest corner of said parcel; Thence

North 77°49'58" East a distance of 122.27 feet to a point on the north side of a power line right of way; Thence

South 79°09'29" East along said powerline right of way a distance of 811.27 feet to a point; Thence

North 11°57'12" West a distance of 317.11 feet to a drill steel monument; Thence

North 13°45'58" West a distance of 153.00 feet to the true point of beginning.

495319 '18 AUG 17 PM 12:42

Instrument # 495319

WALLACE, SHOSHONE COUNTY, IDAHO

8-17-2018 12:42:00 PM No. of Pages: 4

Recorded for : FIRST AMERICAN TITLE CO.

PEGGY DELANGE-WHITE Fee: 15.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 20, 2019

JOEL A NICHOLS
TAMMY L HOWE SCHMIER
6127 S 45TH W
IDAHO FALLS ID 83402-5718

Re: Change in Ownership for Water Right No(s): 94-8471

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) 762-2813.

Sincerely,

Natalie Steading
Tech Records Specialist 1

Enclosure(s)