

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 04 2015

DEPT OF WATER RESOURCES
SOUTHERN 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?
37-13251	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: Mitchell B Schmidt (deceased)
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Kenny Schmidt
New owner(s) as listed on the conveyance document
- Mailing address: PO Box 572 City: Gooding State: ID ZIP: 83330
- Telephone: (208)539-5609 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: 01/15/15
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: Kenny Schmidt Title, if applicable: _____ Date: 2/2/15
Signature of new owner/claimant
- Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by: DM Date: 3.4.2015 Receipt No. 5034591 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: _____ Date: _____

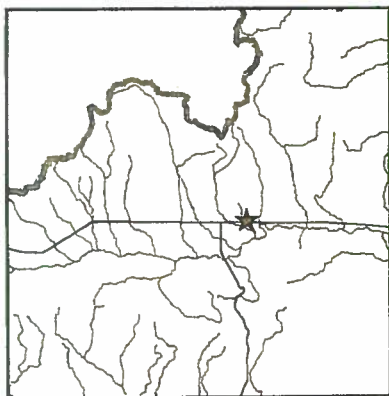


Idaho Department of Water Resources

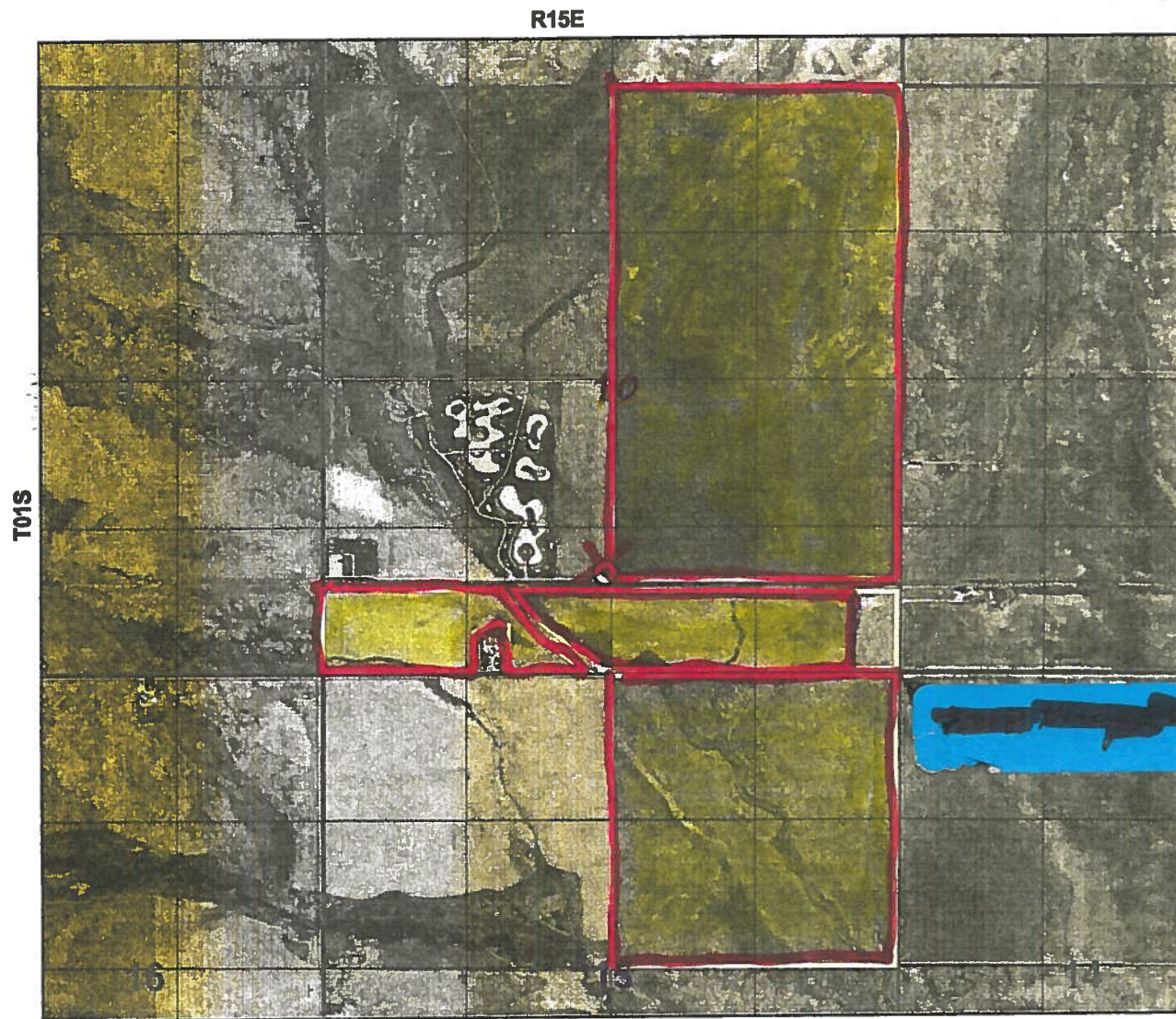
Adjudication Claim:
37-13251

Legend

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



Camas County
IDWR Basin 37



0 0.5 1 1.5 Miles



Prepared by M. Anders
On Friday, March 3, 2006
2004 Aerial Photography

**LAST WILL AND TESTAMENT
OF
MITCHELL B. SCHMIDT**

I, Mitchell B. Schmidt of Gooding, Gooding County, Idaho, hereby make, publish and declare this to be my Last Will and Testament and revoke all previous wills and codicils made by me.

Section 1. Identification of Family

1.01 I am an unmarried man since the death of my wife, Deoine Schmidt.

1.02 The names of my children from a previous marriage, and now living are: Lugene Slaughter, Kenneth B. Schmidt and Keith G. Schmidt. All references in this will to my children shall mean only the children named herein. Any reference in this will to my issue shall mean my children and their issue. I have no deceased children who were survived by issue.

1.03 The names of my deceased wife's children from a previous marriage, and now living are: Linda D. Irwin, Susan Ann Perlow and Kim Virgil Anderson. All references in this will to my stepchildren shall mean only the children named herein.

Section 2. Nomination of Personal Representative

2.01 I hereby nominate my daughter, Lugene Slaughter, and my step-daughter, Linda D. Irwin, to serve jointly as my personal representative. Should either person be unable or unwilling at any time to serve as my personal representative, I direct that the remaining serve alone as my personal representative.

2.02 I direct that my personal representative, and any successor thereto, be permitted to serve without bond in any jurisdiction.

Section 3. Specific Bequests

3.01 I direct that my tangible personal property be distributed in accordance with a written statement signed by me or in my handwriting which I intend to leave at my death. Any of my tangible personal property not disposed of by the written statement described in this paragraph 3.01 shall become part of my residuary estate. My personal representatives may, in her/their sole discretion, sell any of the property which in her/their opinion is not suitable for distribution, and the proceeds thereof shall become a part of my residuary estate.

3.02 I give, devise and bequeath to my son, Kenneth Schmidt, as his sole and separate property, the following described parcels of land:

- a) Camas County, Idaho
Township 1 South Range 15 East Boise Meridian
Section 15: NE $\frac{1}{4}$
- b) Gooding County, Idaho
Lot 20 and the South one-half of Grove Street adjacent
to Lot 20, in Block 39, Townsite of Gooding, Idaho

3.03 I give, devise and bequeath to my son, Keith Schmidt, and my daughter, Lugene Slaughter, as tenants-in-common, the following described parcels of land:

- a) Camas County, Idaho
Township 1 South Range 15 East Boise Meridian
Section 12: W $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
- b) Camas County, Idaho
Parcel known as Tax Lot No. 1149 and commonly
known as the "Jerry Place".

Section 4. Residuary Devise

4.01 The balance of my residuary estate shall consist of all property or money owned by me at the time of my death and not otherwise effectively disposed of in this will, including all insurance proceeds or other death benefits that are payable to my estate but excluding any property over which I may have a power of appointment, less all valid claims asserted against my estate and all expenses incurred in administering my estate, including expenses of administering nonprobate assets.

4.02 I give, devise and bequeath the balance of my residuary estate as follows:

- a) To my surviving children, Lugene Slaughter, Kenneth B. Schmidt and Keith G. Schmidt I give fifty percent (50%) to be divided equally among them.
- b) To my surviving step-children, Linda D. Irwin, Susan Ann Perlow and Kim Virgil Anderson, I give fifty percent (50%) to be divided equally among them.

If any of my children or step-children fail to survive me, his or her respective share shall pass to his or her issue living at my death, by representation.

Section 5. Powers of Personal Representative

5.01 My personal representative, and any successor thereto, shall have all of the powers granted to personal representatives and fiduciaries under the probate code and other applicable laws of the state of Idaho.

5.02 My personal representative shall be entitled to reasonable compensation for services actually performed and to reimbursement of expenses properly incurred.

5.03 My personal representative shall have, in addition to any other powers, the power to invest, reinvest, sell, mortgage, lease or otherwise transfer or dispose of any part or all of my estate, without the necessity of obtaining prior or subsequent court approval.

5.04 My personal representative may make distributions either in cash or in kind. Distributions in kind may be made at the discretion of my personal representative. My personal representative may make any distributions under this will either (1) directly to the beneficiary, (2) in any form allowed by applicable state law for gifts or transfers to minors or persons under disability, (3) to the beneficiary's guardian, conservator, or caregiver for the benefit of the beneficiary, or (4) by direct payment of the beneficiary's expenses.

Section 6. Construction and Definitions

The following rules and definitions shall apply in the construction of this instrument and in the administration of my estate:

6.01 Any reference to "child," "children," or "issue," shall be construed as including all persons who are descended from the person referred to under the intestacy laws of the state of Idaho, as those laws exist on the date of my death. An adopted child or issue shall be considered as descended from the person referred to only if such child or issue was adopted prior to age 18. A child in gestation who is later born alive shall be considered as a living child throughout the period of gestation. The term "issue" includes "child."

6.02 When an interest is given to the issue of a deceased person, distributions shall be made by representation whereunder the issue of the deceased person take and share equally the share of the estate that would have been taken by deceased person if he or she were alive.

6.03 Any reference to my "personal representative" in whatever form refers to the person, persons, or institution then acting as the personal representative of my estate.

6.04 If any devisee or other beneficiary under this will dies within five days after my death or under such circumstances where there is insufficient evidence in the judgment of my personal

representative to determine whether such person has died within five days after my death, the devisee or beneficiary shall be deemed to have failed to survive me.

6.05 The term "estate and death taxes" shall mean all estate, inheritance, transfer, succession, or other taxes or duties payable by reason of my death, including interest and penalties thereon.

Section 7. Payment of Taxes and Expenses

7.01 I direct my personal representative to pay the expenses of administering my estate, the expenses created by reason of my death, and all estate and death taxes payable with respect to property includable in my gross estate or taxable by reason of my death, whether or not such property is part of my probate estate and whether or not such taxes are payable by my estate or by the recipient of any such property. Such taxes and expenses should be paid out of my residuary estate without apportionment.

IN WITNESS WHEREOF, I have executed this Will, in the presence of witnesses, this 22 day of March, 2006.

Mitchell B. Schmidt
Testator

This will, was at the date hereof, by the said Mitchell B. Schmidt, Testator, the maker thereof, signed and sealed in our presence, at his request, in his presence, and in the presence of each other, we have subscribed our names as witnesses thereto.

[Signature]
Witness

[Signature]
Witness

STATE OF IDAHO)
)ss.
County of Gooding)

WE, MITCHELL B. SCHMIDT, VICTORIA L. PAVKOV, and LARNA WARD, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing Will, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as his Last Will and Testament, and that he had signed willingly and that he executed it as his free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator and in the presence of each other, signed the Will as witnesses and that to the best of their knowledge, the testator was at that time an adult of sound mind and under no constraint or undue influence.

[Signature]
Testator

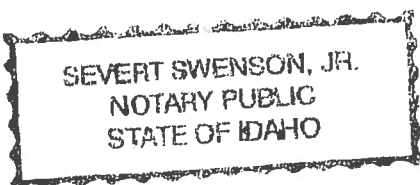
[Signature]
Witness

Residing at Wagoner Idaho

[Signature]
Witness

Residing at Gooding, Idaho

SUBSCRIBED, SWORN TO, and acknowledged before me by MITCHELL B. SCHMIDT, the testator, and subscribed and sworn to before me by VICTORIA L. PAVKOV, and LARNA WARD witnesses, this 22 day of March, 2006.



[Signature]
Notary Public for Idaho
Residing at Gooding
Commission expires 3/13/2010



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 4, 2015

KENNY SCHMIDT
PO BOX 572
GOODING ID 83330

RE: Change of Ownership for Water Right Nos. 37-13251

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s). The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure(s)

Cc: Gordon and Dorothy Schmidt