

DE

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 20 2015

Notice of Change in Water Right Ownership

1. List ~~WATER RESOURCES~~ ~~WESTERN REGION~~ 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?
~~62-4340~~	Yes ☐	Yes ☐		Yes ☐	Yes ☐
63-21570	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Joe E McCary
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Gene + Sandra Schmitt Revocable Living Trust
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 16762 Sage Acres Ln Caldwell ID 83607
Mailing address City State ZIP
- 208-459-1704 gschmitt@ipcallison.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: Nov 4, 2014
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: Gene Schmitt 1-17-15
Signature of new owner/claimant Title, if applicable Date
- Signature: Sandra Schmitt 1-17-15
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by CS Date 1/20/15 Receipt No. W042739 Receipt Amt. \$25⁰⁰

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 X Approved by CS Processed by CS Date 1/23/15

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Joseph W. Borton
Borton Lakey Law Offices
141 E. Carlton Ave.
Meridian, ID 83642

2014-045699

RECORDED

12/19/2014 03:56 PM



00141818201400456990030038

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=3 SDUPUIS

\$16.00

DEED

BORTON-LAKEY LAW

(Space Above For Recorder's Use)

QUITCLAIM DEED

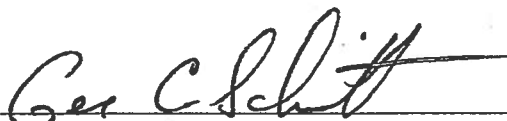
For good and valuable consideration the receipt of which is hereby acknowledged, Gene C. Schmitt and Sandra Kay Schmitt, husband and wife ("**Grantors**"), whose address is 16762 Sage Acres Lane, Caldwell, Idaho 83607, do hereby release and forever quitclaim unto the **Gene C. and Sandra Kay Schmitt Revocable Living Trust ("Grantee")**, whose address is 16762 Sage Acres Lane, Caldwell, Idaho 83607, and its heirs, successors and assigns forever, all right, title and interest which Grantors now have or may hereafter acquire in the following described real property situated in Canyon County, State of Idaho, to wit:

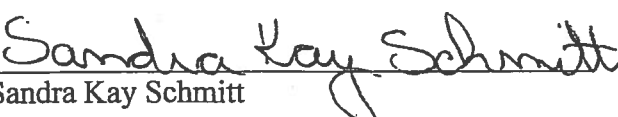
See Exhibit A, attached hereto and incorporated by this reference.

TO HAVE AND TO HOLD, all and singular the said real property, together with all appurtenances, tenements, hereditaments, reversions, remainders, rents, issues, profits, rights-of-way, mineral rights and water rights in anywise appertaining to the real property herein described, as well in law as in equity, unto Grantee, and to its heirs, successors and assigns forever.

WITNESS the hand of said Grantors this 19th day of December, 2014.

Grantors:


Gene C. Schmitt


Sandra Kay Schmitt

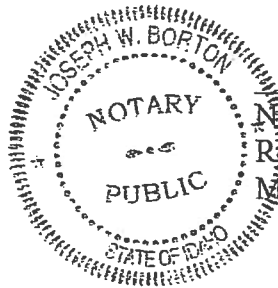
QUITCLAIM DEED - 1

Isnd

STATE OF IDAHO)
) ss.
County of Ada)

On this 19th day of December, 2014, before me, the undersigned, a Notary Public in and for said state, personally appeared Gene C. Schmitt and Sandra Kay Schmitt, husband and wife, known or identified to me to be the persons who executed the instrument, and acknowledged to me that they executed the 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 IDAHO

Residing at: _____

My Commission Expires: _____

Meridian Idaho
3/17/2015

EXHIBIT A

Description of: Remainder Tax Parcel 32646 Joe McCary

Oct. 9, 2013

A parcel of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T.3 N., R.3 W., B.M., Canyon County, Idaho, described as follows:

BEGINNING at the brass cap monument in the intersection of Wagner Road and Homedale Road which marks the northeast corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ (northeast corner of said Section 7); thence,

S.00°40'24"W., 1326.78 feet along the east line of said Section 7 (centerline of said Wagner Road) to a brass cap monument which marks the southeast corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence,

S.89°29'26"W., 1016.07 feet along the south line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to a $\frac{1}{2}$ inch rebar; thence,

N.00°41'06"E., 120.00 feet along a line parallel with and 310 feet east of the west line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to a $\frac{1}{2}$ inch rebar; thence,

N.55°34'00"W., 87.03 feet to a $\frac{1}{2}$ inch rebar; thence,

N.87°55'24"W., 222.63 feet to a $\frac{1}{2}$ inch rebar set in the east right of way line of Sage Acres Lane; thence,

S.89°29'26"W., 15.00 feet to a mag nail set in the west line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence,

N.00°41'06"E., 1146.60 feet along said west line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to the northwest corner of same; thence,

N.89°28'42"E., 97.43 feet along the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ (centerline of said Homedale Road) to a mag nail, said point also marked by a $\frac{1}{2}$ inch rebar witness corner set 25 feet southerly; thence,

S.00°17'16"E., 98.73 feet along a line parallel with and 12 feet westerly of an existing poly fence line, said point marked by a $\frac{1}{2}$ inch rebar witness corner set 6 feet easterly; thence,

S.20°31'13"E., 189.86 feet to a $\frac{1}{2}$ inch rebar; thence,

N.88°46'42"E., 113.00 feet along an existing poly fence line to a point marked by a $\frac{1}{2}$ inch rebar witness corner set 10 feet westerly; thence,

N.00°43'25"E., 275.83 feet to a mag nail in said north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, said point also marked by a $\frac{1}{2}$ inch rebar witness corner set 25 feet southerly; thence,

N.89°28'42"E., 1044.86 feet along the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ (centerline of said Homedale Road) to the POINT OF BEGINNING,

said Remainder Parcel 32646 containing 1,662,316 square feet or 38.162 acres, more or less, and being SUBJECT TO: the right of way for Wagner Road, being the east 25 feet of said parcel; to the right of way for Sage Acres Lane, being the west 15 feet of said parcel; and to the right of way for Homedale Road, being the north 25 feet of said parcel.

Prepared by: John S. Austin, Idaho PLS 5081



Page 6 of 11
10/21/2013 5:13 AM

2014-040691

RECORDED

11/07/2014 01:38 PM



00135920201400406910030037

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pos=3 BJBROWN

\$16.00

DEED

TODD A ROSSMAN

TRUST DISTRIBUTION DEED

THE JOE E. MCCARY FAMILY TRUST restated on April 23, 1982, and thereafter amended on May 23, 1998, February 2, 1994, October 9, 1997, and reformed and restated on September 4, 2013, hereinafter referred to as the "Grantor", of which Mark Flitton is the current Trustee, hereby grants, transfers and conveys as a distribution from the aforementioned Trust to SANDRA K. SCHMITT, hereinafter referred to as the "Grantee", whose mailing address is 16762 Sage Acres Lane, Caldwell, Idaho 83607, all of the Grantor trust's interest in the following described real property, situated in Canyon County, State of Idaho, to-wit:

See Attached Exhibit "A".

SUBJECT TO taxes and assessments for the year 2014, and all subsequent years, together with any and all existing easements, rights of way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

The property described in this conveyance shall be the separate property of the Grantee, and all income, rents, issues, profits, gains and appreciation of said property shall be the separate property of the Grantee.

Dated this 7TH day of November, 2014.

THE JOE E. MCCARY FAMILY TRUST
reformed and restated on September 4, 2013

By: Mark Flitton Trustee
Mark Flitton, Trustee

STATE OF IDAHO

)

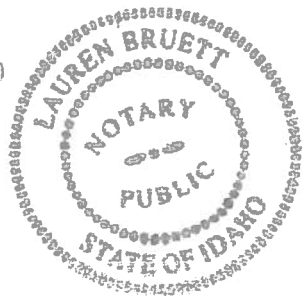
ES.

County of Canyon

On this 4th day of November, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared MARK FLITTON, as Trustee of THE JOE E. MCCARY FAMILY TRUST reformed and restated on September 4, 2013, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written in this certificate.

(SEAL)



Lauren Bruett
Notary Public for Idaho
Commission expires: 9-24-16

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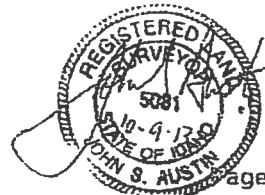
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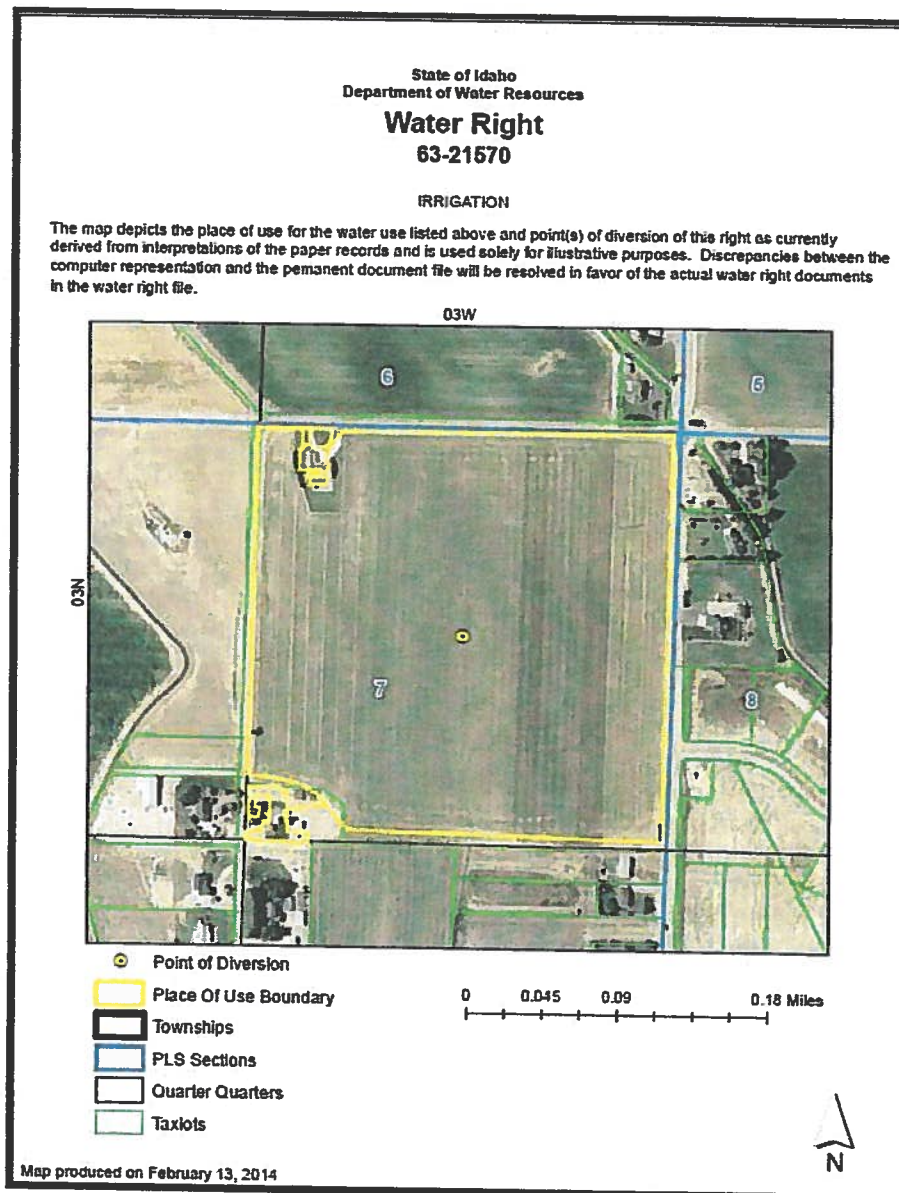
Prepared by: John S. Austin, Idaho PLS 5081



Owner: Joe E McCary

Water Right No.: 63-21570

Beneficial Use	From	To	Diversion Rate	Volume	Priority Date
Irrigation	03/01	11/15	0.44 CFS	171 AFA	03/01/1961
Total Diversion Rate			0.44 CFS	38± Acres	



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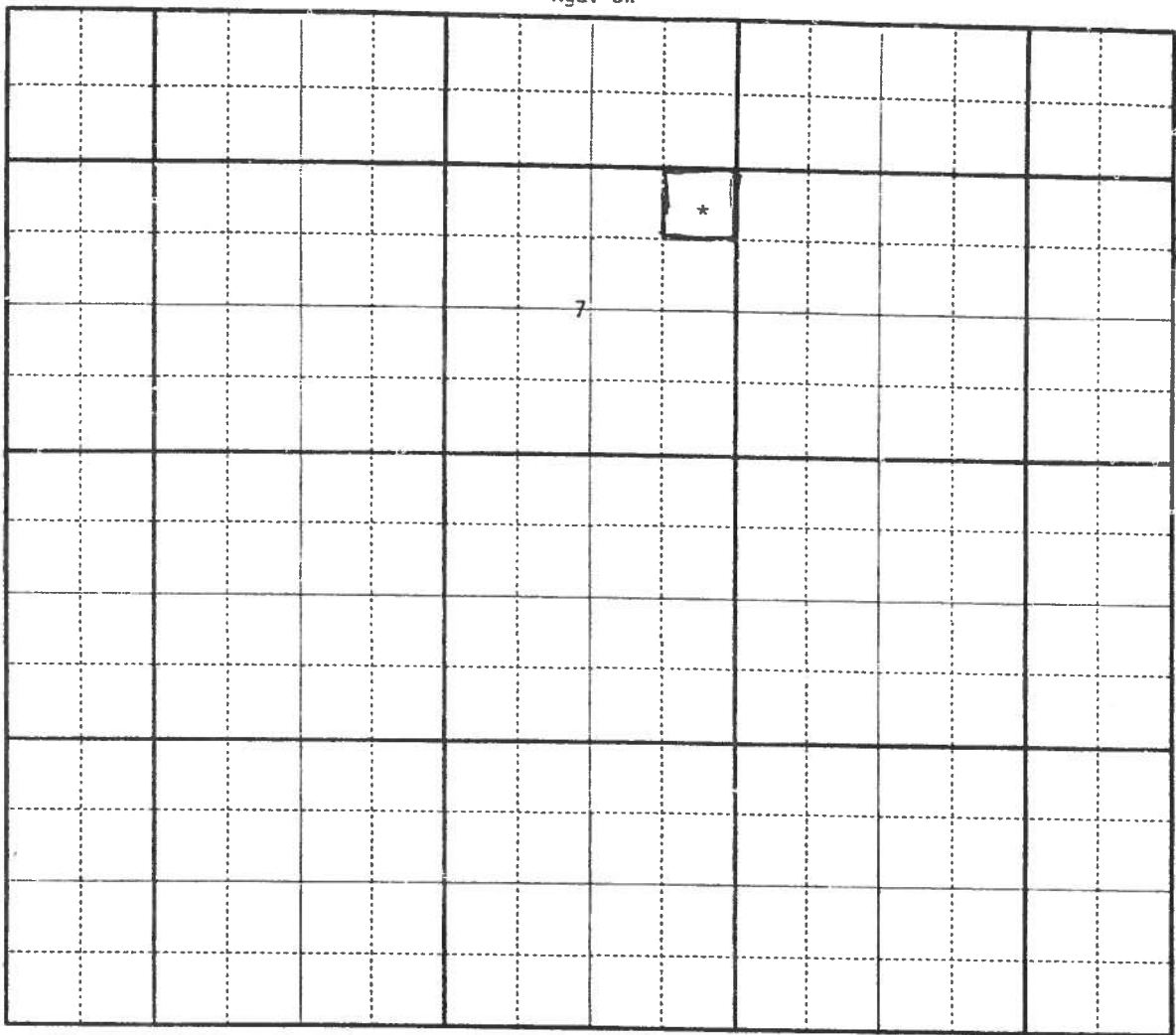


Diagram of System

See photo



Google earth

feet 3000
km 1





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 23, 2015

GENE & SANDRA SCHMITT REVOCABLE LIVING TRUST
16762 SAGE ACRES LN
CALDWELL ID 83607

RE: Notice of Ownership Change in Water Right No. 63-21570

Dear Applicants:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right to you. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report 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.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact this office at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Sommer'.

 Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures