

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 22 2023
DEPARTMENT OF
WATER RESOURCES
WATER RESOURCES
WESTERN REGION
MAR 20 2023

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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
61-10180 ✓	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: Darlene Wells and Robert A. Wells

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Larry Allen Walker

New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

492 NW Cedar Ave. Mountain Home ID 83647
Mailing address City State Zip
(208) 587-4037
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: June 10, 2022. The date Darlene Wells died.

6. Do you own the land identified as the water right place of use? Yes ☐ No ☐

- o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

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] 3-16-23
Signature of new owner/claimant Title, if applicable Date
Larry Allen Walker
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date

Print name

For IDWR Office Use Only:

Received by KM Date 6-2-23 Receipt No. C116390 Receipt Amt. 25.00
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 [Signature] Date 6-6-23

SCANNED
JUN 06 2023

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made this 3rd day of August, 2022, between Larry Allen Walker, personal representative of the Estate of Wilma Darlene Wells, also known as Wilma D. Wells, W. Darlene Wells and Darlene Wells, deceased, filed as Case No. CV20-22-00650, in Elmore County, Idaho, the Party of the First Part, and Larry Allen Walker, of 492 NW Cedar Avenue, Mountain Home, Idaho 83647, the Party of the Second Part.

WHEREAS, Larry Allen Walker, Party of the First Part, is the duly appointed and acting personal representative of the Estate of Wilma Darlene Wells, also known as Wilma D. Wells, W. Darlene Wells and Darlene Wells, deceased; and,

WHEREAS, Larry Allen Walker, Party of the Second Part, is entitled to receive distribution of the property hereinafter described in this deed under the terms of the Last Will and Testament of the decedent and pursuant to the provisions of the Idaho Uniform Probate Code, NOW, THEREFORE;

WITNESSETH: That the said Party of the First Part, for a valuable consideration, and for the purpose of distributing certain real property from the Estate of Wilma Darlene Wells, also known as Wilma D. Wells, W. Darlene Wells and Darlene Wells, deceased, does by these presents hereby distribute, grant, bargain, sell, convey and confirm unto the said Party of the Second Part, and to his heirs and assigns forever, the real property located in the County of Elmore, State of Idaho, and particularly described as follows:

Lots 4 through 10, both inclusive, of Block 8, Mellen Subdivision, Mountain Home, Elmore County, Idaho, as the same appear upon the official plat thereof on file and of record in the Office of the County Recorder of Elmore County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Party of the Second Part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand the day and year herein first above written.

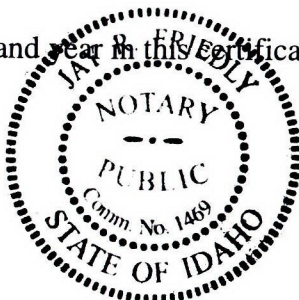


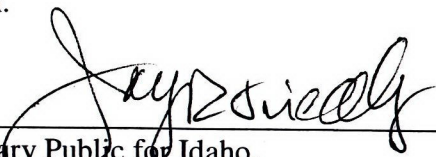
Larry Allen Walker
Personal Representative of the Estate of Wilma
Darlene Wells, also known as Wilma D. Wells, W.
Darlene Wells and Darlene Wells, deceased

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 3rd day of August, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Larry Allen Walker, known to me to be the person whose name is subscribed to the foregoing instrument as the personal representative of the Estate of Wilma Darlene Wells, also known as Wilma D. Wells, W. Darlene Wells and Darlene Wells, deceased, and acknowledged to me that he executed the same as such personal representative.

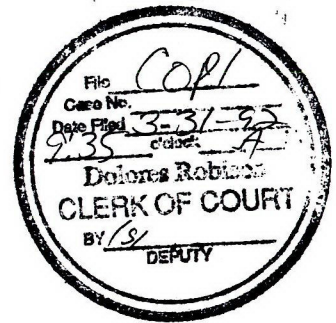
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this Certificate first above written.





Notary Public for Idaho,
Residing at: Mountain Home, Idaho
My commission expires: 5-29-2027

PERCE HALL
HALL & FRIEDLY
Attorneys at Law
340 East 2nd North Street
Mountain Home, Idaho 83647
Telephone: 587-4412



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

MAGISTRATE DIVISION

*
*
*

IN THE MATTER OF THE ESTATE OF) Case No. SP-IE-92-00001
)
ROBERT A. WELLS, DECEASED.) DECREE VESTING ESTATE IN
) SURVIVING SPOUSE

*
*
*

The petition of W. Darlene Wells for a decree vesting an estate in her as a surviving spouse having come on regularly before the court for hearing, and the court having heard the evidence and being fully advised in the premises, the court hereby makes the following findings:

I

Robert A. Wells died on February 10, 1992, at Mountain Home, Idaho. At the time of his death, said decedent was domiciled in Mountain Home, County of Elmore, State of Idaho.

II

The decedent died intestate.

III

The decedent was survived by the following heirs, to-wit:

NAME	RELATIONSHIP	ADDRESS
W. Darlene Wells	Spouse	323 Cedar Street Mountain Home, ID 83647.

IV

The decedent Robert A. Wells and the petitioner, W. Darlene Wells, were married each to the other on the 24th day of December, 1960, at Shoshone, Idaho, and ever since that date until the date of decedent's death were husband and wife.

V

The decedent left an estate, as described in petitioner's petition, consisting solely of community property of the decedent and his surviving spouse, W. Darlene Wells, and that as the surviving spouse of the decedent, the petitioner is entitled to the decree of this court declaring and establishing that all of said community property became fully vested in the petitioner as the sole heir of the decedent.

VI

All notices have been given as required by law.

VII

No inheritance tax is due and payable to the State of Idaho.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the petitioner, W. Darlene Wells is the surviving spouse of the said decedent, and that the following described real and personal property was the community property of said petitioner and decedent, and said real and personal property is now and hereby vested in, and quieted in and distributed to her, free and clear of all right, title, estate, claim or demand of any person or persons claiming or attempting to claim under the said Robert A. Wells, deceased, as heir or otherwise, except as a proper creditor.

The community property so decreed and distributed is more particularly described as follows:

REAL PROPERTY, located in the County of Elmore, State of Idaho, and described as follows:

Lots Four to Fifteen, both inclusive, in Block Eight of Mellen Subdivision, as the same appear upon the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho,

PERSONAL PROPERTY, described as follows:

One 1959 Fleetwood, 8' x 36'
Serial No. B704F

One 1970 Sahara, 12' x 64'
Serial Number BEW00S-1494

One 1971 Festival, 12' x 56'
Serial No. PA692527E

One 1963 Traveleze House Trailer
Identification No. 275-11505

One 1965 Chevrolet Stationwagon
Identification No. 115,355N-102,509

One 1982 Buick Skylark Sedan
Identification No. B89021843

One 1972 3/4-ton GMC Pickup
Identification No. TCE2425-522,782.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any other community property not known or discovered which may belong to said decedent or said estate and the petitioner, or in which the said decedent and petitioner may have an interest, be, and the same is hereby distributed and vested in her, absolutely.

DATED this 26th day of March, 1992.

BY **MICHAEL McLAUGHLIN**

Judge, Magistrate Division

STATE OF IDAHO)
COUNTY OF ELMORE) ss.

I HEREBY CERTIFY THAT THE FOREGOING
INSTRUMENT IS A TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

June 11 19 92
DOLORES ROBISON

CLERK
J. W. Schenck
BY DEPUTY

SCANNED

JUN 06 2023

DEED OF GIFT

THIS INDENTURE, made this 13th day of June, 2000,
between W. DARLENE WELLS, also known as DARLENE WELLS, a
widow, of Mountain Home, Idaho, hereinafter designated as
the Grantor, and LARRY ALLEN WALKER, a bachelor, and brother
of Grantor, of Mountain Home, Idaho, hereinafter designated
as the Grantee;

WITNESSETH: That the said Grantor, for and in consid-
eration of the love and affection which she has and bears
unto the Grantee, and also for the better maintenance,
support and livelihood of the said Grantee, and for the
purpose of making him a gift, does by these presents convey,
remise, release and forever quitclaim unto the said Grantee,
and to his heirs and assigns, all of the following described
real property, located in the County of Elmore, State of
Idaho, particularly described as follows:

Lots 11 to 15, both inclusive, of Block 8 of MELLE
SUBDIVISION, as the same appear upon the official plat
thereof on file and of record in the office of the
County Recorder of Elmore County, Idaho,

TOGETHER WITH the tenements, hereditaments and appurte-
nances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises, together with
the appurtenances, unto the said Grantee, and to his heirs
and assigns FOREVER.

IN WITNESS WHEREOF, the said Grantor has hereunto set
her hand the day and year herein first above written.


W. DARLENE WELLS

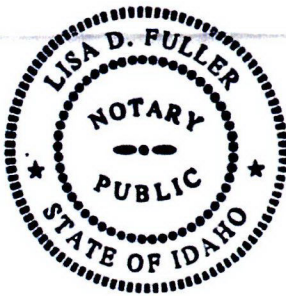
SCANNED

JUN 06 2023

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 13TH day of June, 2000, before me, the under-
signed, a Notary Public in and for said state, personally
appeared W. DARLENE WELLS, also known as DARLENE WELLS,
known to me to be the person whose name is subscribed to the
foregoing instrument, and acknowledged to me that she exe-
cuted the same.

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



Lisa D. Fuller
Notary Public for Idaho,
Residing at Mountain Home, ID.
My Commission Expires: 01-20-04

SCANNED

JUN 06 2023

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-10180

1998 JAN 30 PM 1:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: ROBERT A WELLS
DARLENE WELLS
323 CEDAR
MOUNTAIN HOME ID 83647

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/05/1963

POINT OF DIVERSION: T03S R06E S27 SENWSW Within ELMORE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 2 HOMES	01-01 12-31	0.08 CFS

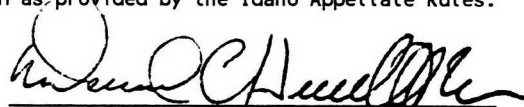
PLACE OF USE: DOMESTIC Within ELMORE County
T03S R06E S27 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

JAN 20 1999

PAGE 1
JAN-15-1998

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 61-10180

SCANNED
MAY 30 2023
gmh



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 06, 2023

LARRY ALLEN WALKER
492 NW CEDAR AVE
MOUNTAIN HOME ID 83647-5812

Re: Change in Ownership for Water Right No(s): 61-10180

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.

It appears this water right was decreed in the wrong section. The place of use and point of diversion are noted as being Lot 4-15, Block 8, Mellon Subdivision which is in Section 26, T03S, R06E, NWSW not Section 27. A transfer will need to be filed to correct the place of use and point of diversion.

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Water District No. 161

SCANNED

JUN 06 2023

Hersley, Jean

From: Clint Sant <dispatch112@hotmail.com>
Sent: Tuesday, May 30, 2023 7:58 PM
To: Hersley, Jean
Subject: Re: ownership change for 61-10180

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jean,

Ok, thank you. I will mail the \$25 check for the filing fee. It should go out with tomorrow's (Wed) mail.

Thanks again, Clint.

Clint L. Sant
dispatch112@hotmail.com
208-731-1959

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, May 30, 2023 1:38 PM
To: Clint Sant <dispatch112@hotmail.com>
Subject: RE: ownership change for 61-10180

Yes, this is the document I needed. You don't need to mail a copy; I printed the document. I will need the \$25 filing fee though.

If your uncle is selling the property with the well and doesn't want to drill a well on the other property, I would suggest a perpetual well agreement. An attorney can help you with the details. Since the water right is for 2 homes, it can be split with the point of diversion being the same on both rights.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

From: Clint Sant <dispatch112@hotmail.com>
Sent: Monday, May 29, 2023 9:47 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: ownership change for 61-10180

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Jean,

If this is the document you needed, please let me know and I will get a copy mailed to the address you provided, along with a check for \$25.

How will this affect the split? My Uncle is trying to sell lots 4-10 and keep 11-15. The actual well is located on what I believe is lot #10.

He wanted me to ask if you would know or could advise the monetary value of the water share?

Can it or should it be split between the two parcels...or would that be feasible given the physical well is on the side he's listing?

Sorry for the many questions, he's going blind and is basically leaving it up to me to handle the situation. Any assistance would be greatly appreciated.

Thank you so much. Clint

Clint L. Sant
dispatch112@hotmail.com
208-731-1959

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Thursday, May 25, 2023 4:26 PM
To: dispatch112@hotmail.com <dispatch112@hotmail.com>
Subject: ownership change for 61-10180

Clint,

Water right 61-10180 is a water right appurtenant to Lots 4-15, Block 8, Mellon Subdivision. The deed I have conveys Lots 4-10 to Mr. Walker. If you have a deed that conveys the additional lots, the filing fee will be \$25. If not, the filing fee will be \$100.

SCANNED

JUN 06 2023

You can send the documents and filing fee to: IDWR, PO Box 83720, Boise, ID 83720-0098. Please let me know if you have any questions. Thank you.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 19, 2023

LARRY ALLEN WALKER
492 NW CEDAR AVE
MOUNTAIN HOME ID 83647-5812

RE: Change in Ownership Water Right No(s): 61-10180

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:

- Filing Fee of \$100 per water right for changes resulting from division of a water right. Water right 61-10180 is a domestic right that is appurtenant to Lots 4-15, Block 8, Mellon Subdivision. Mr. Walker was conveyed Lots 4-10, Block 8, Mellon Subdivision so this right will need to be split.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees to be processed. We have determined that the filing fee for your notice will be \$100.

Because the Department cannot process the Notice without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days, we will return your notice and all attachments, and your notice will not be processed.

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. 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)

c: Jay Friedly

SCANNED

JUN 06 2023



**FRIEDLY • WARD
AND PETERSON**

ATTORNEYS AT LAW

Jay R. Friedly
Robert W. Ward
Brian B. Peterson

Perce Hall
(1913-2007)

Telephone
(208)587-4412
Fax
(208)587-3144
Email
jay@hfwlaw.com

March 16, 2023

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

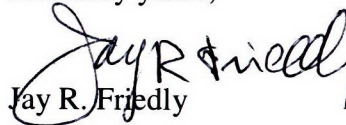
Re: Water Right No. 61-10180

Dear Ladies and Gentlemen:

I have enclosed Notice of Change in Water Right Ownership, a copy of Decree Vesting Estate in Surviving Spouse in the Matter of the Estate of Robert A. Wells, Deceased and a copy of Deed of Distribution by Personal Representative. Please change the ownership of Water Right No. 61-10180 to Larry Allen Walker.

Robert A. Wells died on February 10, 1992. He left his entire estate to his wife W. Darlene Wells, including the real property located in Mellen Subdivision in Elmore County, Idaho. Wilma Darlene Wells, also known as W. Darlene Wells, died on June 10, 2022. Her brother Larry Allen Walker was her only heir. Larry Allen Walker inherited Lots 4 through 10 of Block 8, of Mellen Subdivision in Elmore County, Idaho. The copy of the Deed of Distribution by Personal Representative conveying the property from the Estate of Wilma Darlene Wells to Larry Allen Walker dated August 3, 2022, is enclosed. The Deed of Distribution was not recorded until March 10, 2023, because a decision as to whether to distribute the property to Larry Allen Walker or have the Estate of Wilma Darlene Wells sell the property was not made until just prior to the recording of the Deed. Please change the ownership of Water Right No. 61-10180 to Larry Allen Walker. His intent is to then sell the property with the water right.

Sincerely yours,


Jay R. Friedly

JRF/hs
Enclosures