

RECEIVED

Form 42-248(42-1409(6) July, 2000

APR 19 2004

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPRECEIVED
MAY 26 2005
Department of Water Resources
\$100
P210666
Logged inPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-12039		✓			
	37-12034				
	37-12036				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Smith Wolf PO Box 425
Fairfield ID 83327
4. New Owner/Claimant(s) REX & SHEKA GARNER
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address Box 1987
- City, State and ZIP Code SUN VALLEY, ID 83353
- New Telephone Number (208) 578-1327
5. Date you acquired the property FEB 8, 1999

Rex & Sheka Garner
Rex & Sheka Garner

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-12039</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>4 AF</u>	<u>110 CATTLE</u>
Stock		
Domestic		
Other		
Total	<u>4 AF</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) [see 1st page]
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>[Signature]</u>	Date <u>4/19/04</u>	Fee <u>\$100</u>	
Receipted by <u>[Signature]</u>	Date <u>4/19/04</u>	Receipt No. <u>50266666</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

EDWARD E. SMITH and SUNNIE C. SMITH, husband and wife, and SHANNON L. WOLF and MICHELLE L. WOLF, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

REX W. GARNER, a single man and SHEILA JOAN DANIELS, a single woman

the grantee, whose current address is PO Box 77
Ketchum, ID 83340

the following described premises, in Blaine County, Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF

This transaction is a 1031 Exchange for the benefit of Sheila Joan Daniels, as Replacement property.

Together with any and all water rights appurtenant thereto including but not limited to A37-12034.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: February 8, 1999

Edward E. Smith

Shannon L. Wolf

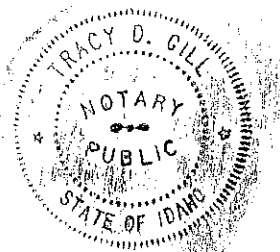
Sunnie C. Smith

Michelle L. Wolf

STATE OF IDAHO
COUNTY OF BLAINE CAMAS

On this 23rd day of February, 1999, before me a Notary Public in and for said State, personally appeared Edward E. Smith, Sunnie C. Smith, Shannon L. Wolf and Michelle L. Wolf, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at Fairfield, ID
Comm. Expires 5-6-2004



BLAINE CO. REQUEST
OF SUN VALLEY TITLE
1999 FEB 23 PM 3 52
MARIONA NIEMANN, CLERK
FEES \$6.00

424523

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 15: A parcel of land located within Section 15, Township 1 South, Range 17 East, Boise Meridian, Blaine County, Idaho, being all of the NW¼ and all of the N½NE¼ and all of the SW¼NE¼ that lies N of State Highway No. 20, more particularly described as follows:

Commencing at a brass cap marking the NW corner of said Section 15, which point is the REAL POINT OF BEGINNING; thence N. 88°21'12" E., 5,370.06 feet to the NE corner of said Section 15; thence

S. 00°39'55" E., 1,301.09 feet; thence

S. 87°54'23" W., 1,347.77 feet; thence

S. 00°26'45" E., 668.02 feet to the N boundary of said Highway No. 20; thence

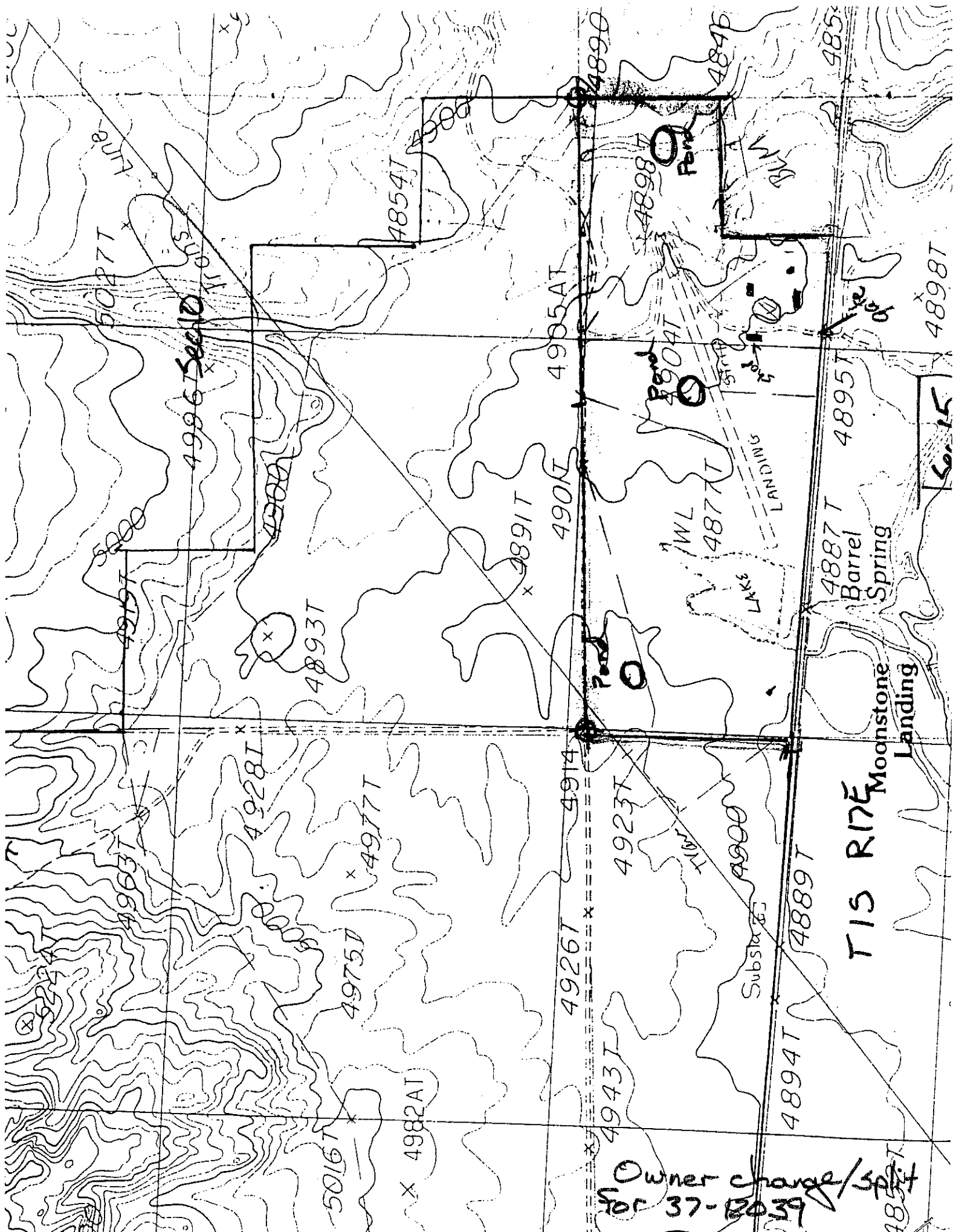
N. 86°22'22" W., 58.61 feet along said Highway; thence

S. 47°59'48" W., 125.48 feet along said Highway; thence

N. 86°22'22" W., 3,903.67 feet along said Highway; thence

N. 00°12'45" E., 1,697.24 feet to the POINT OF BEGINNING.

(Tax Lot 7055)



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-12036
Date Received: 10/25/1988
Receipt No: C003051
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHEILA DANIELS GARNER Phone: (208)578-1327
PO BOX 1987
SUN VALLEY ID USA 83353

REX GARNER Phone: (208)578-1327
PO BOX 1987
SUN VALLEY ID 83353

2. Date of Priority: 05/01/1960

3. Source: UNNAMED STREAM Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	17E	15	NE SW NE	BLAINE	
01S	17E	15	NW SW NE	BLAINE	

5. Description of diverting works:

DAM ACROSS BOTH 10-ACRE TRACTS FOR STORAGE OF WATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER STORAGE	1/01	12/31		6.7
STOCKWATER FROM STORAGE	1/01	12/31		6.7
RECREATION STORAGE	1/01	12/31		50

7. Total Quantity Appropriated is:
50 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	17E	15	SW	NE	RECREATION STORAGE STOCKWATER FROM STORAGE	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGE MADE 5/11/95 BY TLB.
OWNERSHIP CHANGE MADE 3/11/97 BY TLB.

15. Basis of Claim: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 25, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

REX GARNER
SHEILA GARNER
PO BOX 1987
SUN VALLEY ID 83353

Re: SRBA Claim(s) 37-12034, 37-12036

Dear Mr. and Mrs. Garner:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.