

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 26 2015

WATER RESOURCES
WESTERN 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?
D 65-18226	Yes ☐	Yes ☐		Yes ☐	Yes ☐
D 65-19672	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Montgomery Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Curtis and Karen Garner
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 809 Astor Avenue Nampa ID 83651
Mailing address City State ZIP
- 208-407-4140 piemny@yahoo.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: June 20, 2007
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.

SUPPORT DATA

IN FILE # 65-18226

8. Signature: [Signature] 8-20-15
Signature of new owner/claimant Title, if applicable Date
- Signature: Karen Garner 8-20-15
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 8/26/15 Receipt No. W043439 Receipt Amt. \$50⁰⁰

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 [Signature] Approved by [Signature] Processed by [Signature] Date 1/29/16

Reprinted & Returned

21 CONVEYMENT LOTS 1 AND 2 OF SECTION 25 AND A PORTION OF CONVEYMENT LOT 1 OF SECTION 24,
TOWNSHIP 7 NORTH, RANGE 1 EAST, BOSE MERIDIAN,
DELA COUNTY, IOWA

LOTS SHALL NOT BE REDUCED BY SALE WITHOUT PRIOR APPROVAL OF THE SOUTHWEST DIST. HEALTH DEPARTMENT AND THE CEM CTY COMMISSIONERS

POWER:	IDAHO POWER
TELEPHONE:	CITIZEN TELEPHONE CO.
WATER:	INDIVIDUAL WELL
SEWER:	INDIVIDUAL SEPTIC TANK

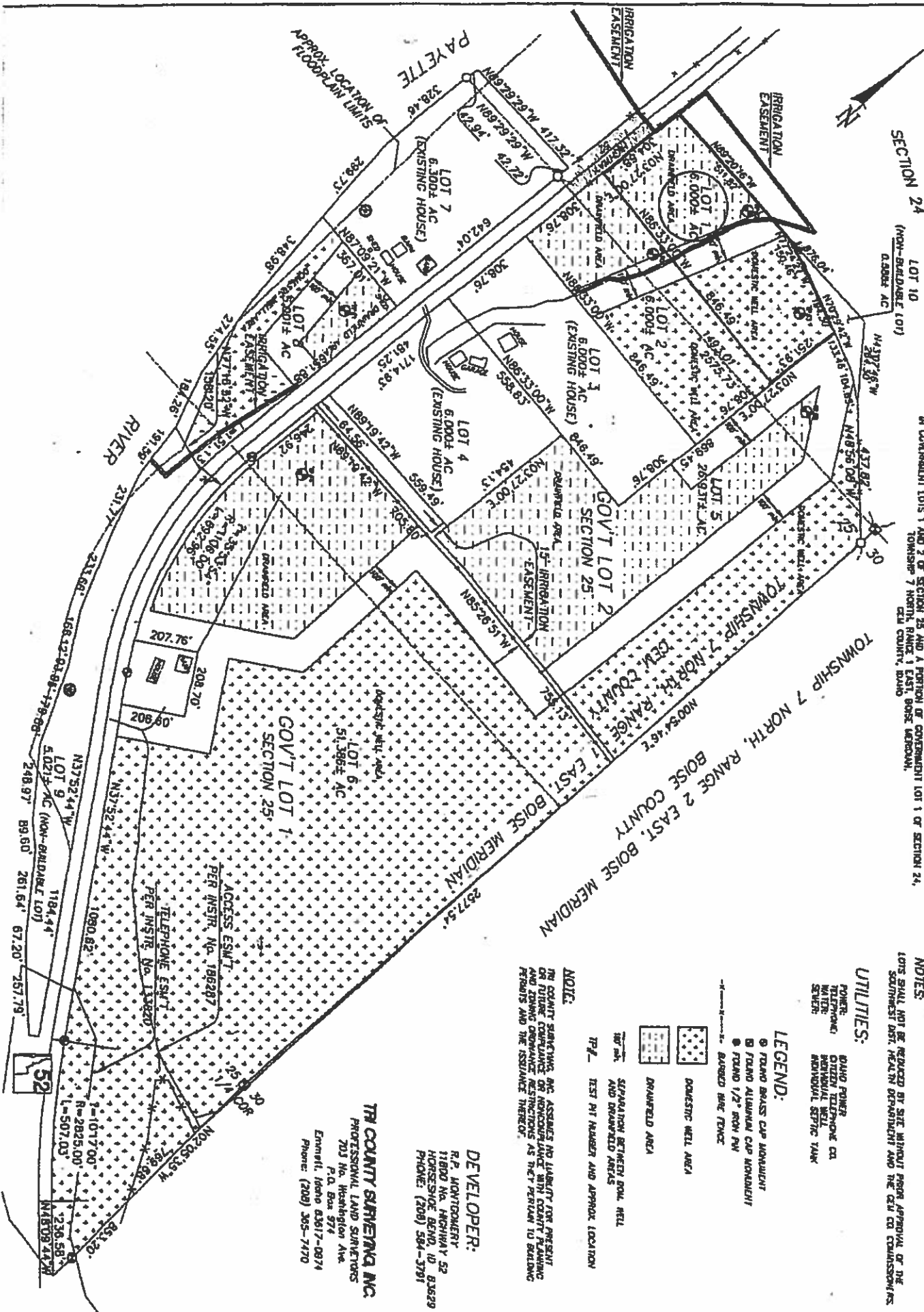
- Ⓐ FOUND BRASS CAP MONUMENT
- Ⓑ FOUND ALUMINUM CAP MONUMENT
- Ⓒ FOUND 1/2" IRON PIN
- Ⓓ RAYDED THE FENCE

[illegible]

THE COUNTY BUILDING INC. ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NONCOMPLIANCE WITH COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

11800 N. HIGHWAY 52
HORSESHOE BEND, ID 83629
PHONE: (208) 584-3791

THE COUNTY SURVEYING CO.
PROFESSIONAL LAND SURVEYORS
705 No. Washington Ave.
P.O. Box 974
Emmett, Idaho 83617-0974
Phone: (208) 365-7470



ATEC 4050709092



Instrument # 260375

EMMETT, GEM, IDAHO

2007-06-21

10:45:00 No. of Pages: 1

Recorded for : ALLIANCE TITLE & ESCROW

SHELLY GANNON

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Shelly Gannon

Order No.: A0767252

WARRANTY DEED

FOR VALUE RECEIVED, Diane K. Christiansen, an unmarried woman,

the Grantor, does hereby grant, bargain sell and convey unto

CURTIS GARNER and KAREN GARNER, husband and wife

whose current address is 11900 N. HWY 52, HORSESHOE BEND, ID 83629

the Grantee, the following described premises, in Other County, Idaho, TO WIT:

Lot 4 in Block 1 of RIVERVIEW MANOR SUBDIVISION, according to the official plat thereof, filed in Book 3 of Plats at Page 46, Official Records of Gem County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

The sale of this property includes ALL of the Seller's water rights pertaining to this property: Water Right #'s 65-18226, 65-19672, 65-2590A and 65-11272B.

Dated: June 20, 2007

Diane Christiansen

Diane Christiansen

STATE OF IDAHO
COUNTY OF CANYON

ON THIS 20TH DAY OF JUNE, 2007, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC PERSONALLY APPEARED, DIANE CHRISTIANSEN, KNOWN TO ME OR PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO

WARRANTY DEED

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[Signature]
NOTARY PUBLIC
RESIDING AT:
MY COMMISSION EXPIRES:

Residing at Meridian, Idaho
Commission Expires: 06-18-2010

(SEAL)

Aug. 20, 2015

In preparing to list our home at 11900 N Hwy 52, Horseshoe Bend, Idaho for sale, we noticed that our application for water rights back in June of 2008 were denied (see letter). The rights in question are 65-18226 and 65-19672. The letter states that the ownership change was not processed because these water rights were not covered by the deeds included. I am including a deed specifying that these rights should be included. Please review and let me know how to proceed.

Thanks,

A handwritten signature in black ink, appearing to read "Curtis and Karen Garner". The signature is written in a cursive, flowing style.

Curtis and Karen Garner

208-407-4142

208-407-4140



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 12, 2008

CURTIS & KAREN GARNER
11900 N HWY 52
HORSESHOE BEND, ID 83629

Re: *Original:* Water Right No. 65-11272
Split into: Water Right No. 65-23206 & 65-23207

Re: *Original:* Water Right No. 65-2590A
Split into: Water Right No. 65-23208 & 65-23209

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of the original Water Right as referenced above. This Change of Ownership required a split of the original water right resulting in renumbering this water right, using a new water right number to represent each split. The new water right number for your portion is referenced above and a copy is enclosed.

Water Right No.s 65-18226 and 65-19672 were not covered by the deeds included so the ownership change was not processed. If you purchased these rights, please send us a deed proving ownership. As such a refund of \$50 will be processed.

Your portion of this water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your water right, then no further action is required at this time.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning the enclosed information or this letter.

Sincerely,

Jean Hersley
Office Specialist I

Enclosure



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

October 23, 2015

CURTIS & KAREN GARNER
809 ASTOR AVE
NAMPA ID 83651

RE: Notice of Ownership Change in Water Right No's:

65-18226 & 65-19672

After researching the ownership change application submitted to the Department it appears that the legal descriptions on each of these rights was claimed and decreed in error. I believe this is why your ownership change for these two water rights was denied previously when you applied in 2008. If I have correctly located the place of use of each of these water rights, the place of use should be located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2, Sec. 25, Twp. 7N, Rge. 1E and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2, Sec. 25, Twp. 7N, Rge. 1E, since your property overlaps both of these lots (see included maps) rather than the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 3, Sec. 25, Twp. 7N, Rge. 1E. I have included proof reports and maps of each of the water rights illustrating this.

The only way to correct these errors now is by filing an application for transfer of water right to change the point of diversion and place of use to the correct location. I have included the application for you and we will be able to use your originally submitted ownership change application as well with the completed transfer application.

I hope this information helps. If you have any questions regarding this matter, please feel free to contact our office and ask to speak with a Water Right Agent.

Sincerely,

Chad Jones
Office Specialist II
Western Regional Office
208-334-2190

Enclosures

Jones, Chad

From: Jones, Chad
Sent: Friday, January 29, 2016 1:45 PM
To: Marston, Sascha
Subject: Refund - CURTIS & KAREN GARNER

TO: Sascha Marston

FROM: Chad Jones

DATE: January 29, 2016

RE: Refund: Ownership Change 65-18226 & 65-19672

Please refund \$50. CURTIS & KAREN GARNER filed an ownership change 8/26/15 for 2 water rights. The rights in question appear to have had their POU put in the wrong location by the original owner during the adjudication. The application could not be completed without a transfer completed to correct the POU. I sent a letter informing the applicants on 10/23/15 and received no response.

Please issue a refund of \$50.00 to:

CURTIS & KAREN GARNER
809 ASTOR AVE
NAMPA ID 83651

RECEIPT #

W043439



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 29, 2016

CURTIS & KAREN GARNER
809 ASTOR AVE
NAMPA ID 83651

RE: Ownership Change for Water Right No's: 65-18226 & 65-19672

Dear Applicants:

This letter is a follow up to the letter sent from The Department on October 23, 2015 (copy included for details). The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. However, the application has not been processed due to insufficient documentation.

Because the Department cannot process this request at this time, we are returning the application and all attachments. You may submit this form with the required documentation and fees at any time. A refund had been requested and will be sent to the payer under separate cover.

Thank you for your cooperation, if you have any questions please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chad Jones'.

Chad Jones
Office Specialist II
Western Regional Office

Enclosures