



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

January 25, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

RT Kandler LLC
PO Box 50618
Idaho Falls ID 83405

RE: Notice of Change in Water Right Ownership
Water Rights: 21-85, 21-107, 21-10400 & 21-10401

Dear Sir/Madam:

On November 5, 2012, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide a signature on your application and the filing fee required. We determined the filing fee for your application would be \$100.00. On November 6, 2012, we sent a letter requesting the signature page and filing fee. The additional information was to be provided within 30 days.

IDWR has never received a response to the request for additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change.

Please feel free to re-file your ownership change any time in the future when you have collected the requested documentation of ownership. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the ownership change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

SUPPORT DATA

IN FILE # 21-85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
21-85	Yes ☐		Yes ☐		Yes ☐
21-107	Yes ☐		Yes ☐		Yes ☐
21-10401	Yes ☐		Yes ☐		Yes ☐
21-10400	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Merkola Properties LLC

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

RT Kandler LLC

Name of each new owner as listed on the conveyance document

New owner continued

Name connector

☐ and

☐ or

☐ and/or

PO Box 50618

Mailing address

Idaho Falls

City

State

ZIP

208-522-7771

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: _____
6. 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.

7. Signature:

Signature of new owner/claimant

Title, if applicable

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

Date

Receipt No.

Receipt Amt.

Approved by

Processed by

Date

ATE - 158391 OLD FORM
RECEIVED

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

NOV 05 2012
Department of Water Resources
Eastern Region

Please 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
21-85					
21-107					
21-10401					
21-10400					

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) Merkola Properties LLC
4. New Owner/Claimant(s) RT Kandler LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 50618
- City, State and ZIP Code Idaho Falls, Id. 83405
- New Telephone Number () 208-522-7771
5. Date you acquired the property 11-1-12

Instrument No. 541140
01 Day Nov 2012
At 02 O'Clock 59 M
ABBIE MACE
FREMONT CO RECORDER
Fee \$10.00
JF Deputy
Recorded at Request of
Alliance Title - Rexburg Office

ALLIANCE TITLE & ESCROW CORP
130 E. MAIN STREET
REXBURG, ID 83440

WARRANTY DEED

A TEC Order No.: 158391

FOR VALUE RECEIVED

Merkola Properties, LLC, a Idaho Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

RT Kandler LLC

whose current address is

PO Box 50618
Idaho Falls, ID 83405

the grantee(s), the following described premises, in Fremont County, Idaho, TO WIT:

Township 8 North, Range 44 East, Boise Meridian, Fremont County, Idaho.
Section 20: South Half Southeast Quarter
Section 28: Northwest Quarter
Section 29: East Half; South Half Northwest Quarter; North Half Southwest
Quarter

The water rights include 5.2 cfs of stream rights in Conant Creek and include, but are limited to
IDWR Water Right Number 21-85; 21-107; 21-10400; 21-10401 and 230 acre feet of storage rights
from Island Park Reservoir.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
heirs and assigns forever. And the said Grantor does hereby covenant to and with the said
Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from
all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations,
easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

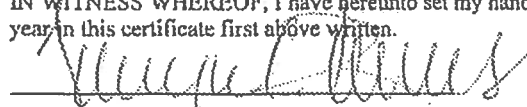
Dated: October 4, 2012


James C. Merkle, Manager of Merkola Properties LLC

State of ID), ss
County of Ada

On this 7th day of October, 2012, before me, , a Notary Public in and for said state,
personally appeared James C. Merkle known or identified to me to be the Managing Member in
the Limited Liability Company known as Merkola Properties, LLC who executed the foregoing
instrument, and acknowledged to me that he/she executed the same in said LLC name.

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 the State of ID

Residing in Mendon, Idaho
My Commission Expires 4/20/2016

TONYA A. REEVES
NOTARY PUBLIC
STATE OF IDAHO

541140