



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

June 12, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Van R Garner
Sherri Garner
16 Old Oregon Rd
Soda Springs ID 83276

RE: Notice of Change in Water Right Ownership
Water Rights: 11-7724, 11-7725 & 11-7726

Dear Sir/Madam:

On April 30, 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 additional evidence of ownership, specifically a chain of deeds tracing from the owner currently listed on the water rights to you. According to the departments records the current owner of the water right is Francis and Marilyn Kukachka. On April 30, 2012, we sent a letter requesting the additional information. 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 and have initiated a refund of your filing fee (\$75.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

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 # 11-7724

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

APR 25 2012

DEPARTMENT OF
WATER RESOURCES

RECEIVED

APR 30 2012

Department of Water Resources
Eastern Region

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?
11-7724	Yes ☐		Yes ☐		Yes ☐
11-7725	Yes ☐		Yes ☐		Yes ☐
11-7726	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Francis + Marilyn Kukachka
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Van R Garner + Sherri L Garner
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☒ and/or
16 Old Oregon Rd
Mailing address
Soda Springs ID 83274
City State ZIP
208-540-2296 VRGNEV@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: April 10, 2012

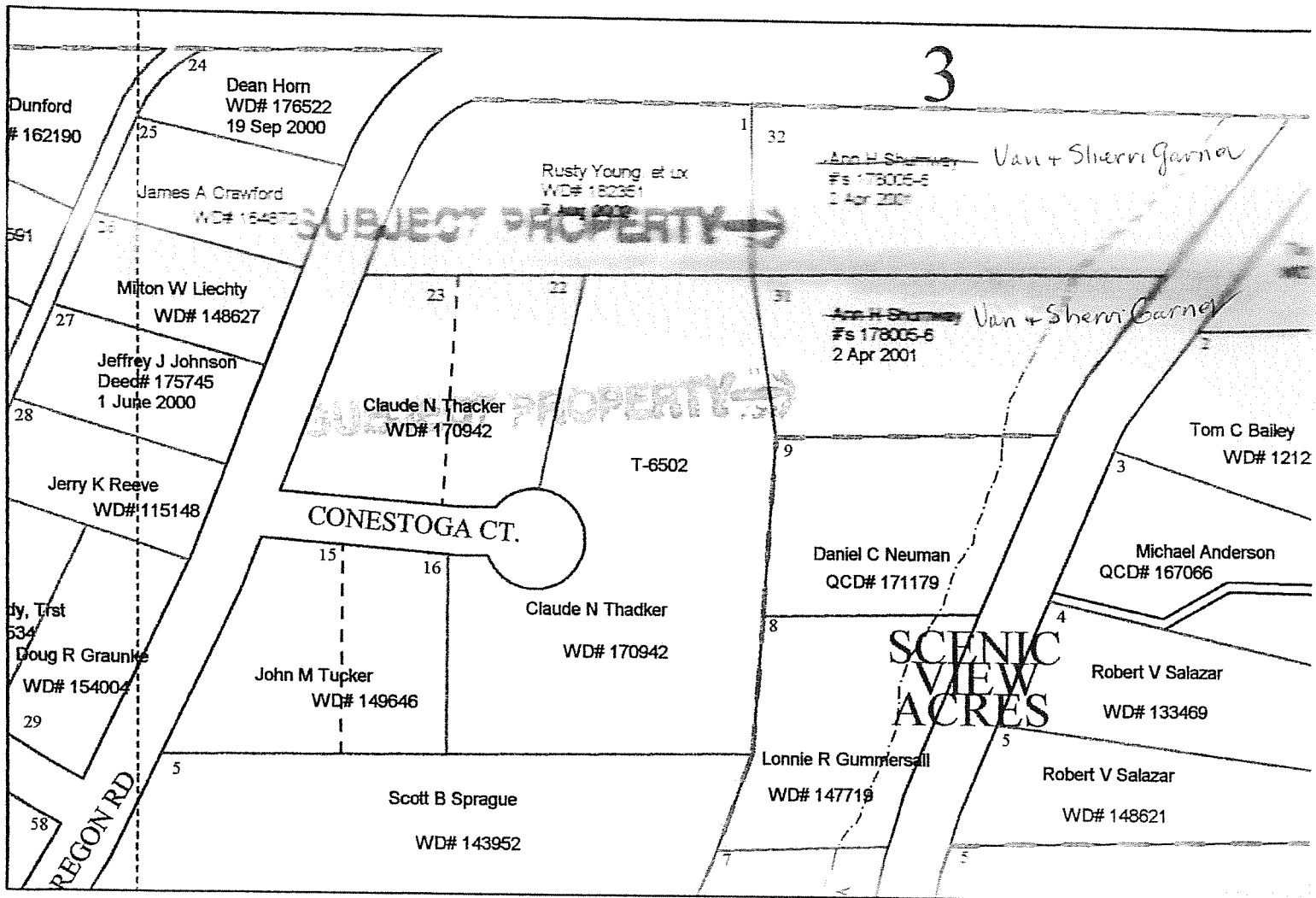
6. This form must be signed and submitted with the following **REQUIRED** items:

- 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: Van R Garner 4-18-12
Signature of new owner/claimant Title, if applicable Date
Signature: Sherri L Garner 4-18-12
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by SRF Date 4.25.2012 Receipt No. 0095177 Receipt Amt. \$75 -
Approved by _____ Processed by _____ Date _____



This sketch is provided without charge for your information, it is not intended to show all matters related to the property including, but not limited to area dimensions, encroachments, or location of boundaries. It is not a part of, nor does it modify the commitment or policy to which it is attached. The Company assumes NO LIABILITY for any matter related to this sketch. References should be made to an accurate survey for further information.*

WARRANTY DEED

For Value Received

Perry H. Shumway and Ann H. Shumway, husband and wife

the grantors of Rexburg, Idaho, do hereby grant, bargain, sell and convey unto

Sherri L. Garner, a married woman

the grantee, of P.O. Box 150972, Ely, Nevada 89315, the following described premises located in Bear Lake County, Idaho, to-wit:

Lots 31 and 32, Block 1, Bailey Creek Acres Subdivision, according to the official plat thereof, as recorded in the office of the County Recorder of Bear Lake County, Idaho, under Recorder's Instrument No. 88232.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 18, 2006

Perry H. Shumway
Perry H. Shumway

Ann H. Shumway
Ann H. Shumway

STATE OF IDAHO)

County of Madison : ss.

On this 25th day of October, 2006, before me the undersigned, a notary public in and for said County and State, personally appeared Perry H. Shumway and Ann H. Shumway, 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.

Melissa E. Browning
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Rexburg
Commission expires: 12/17/09

Melissa E. Browning
Notary Public
State of Idaho

County of Bear Lake
Date <u>11-13-2006</u>
Time <u>2:48 P.M.</u>
Deputy <u>Dindy Deion</u>
Clerk <u>Kerry Haddock</u>
Fee <u>\$3.00</u>

QUIT-CLAIM DEED

FOR VALUE RECEIVED,

Sherri L. Garner, a married woman,

does hereby convey, release, remise and forever quit claim unto

Van R. Garner and Sherri L. Garner, husband and wife,

of P.O. Box 150972, Ely, Nevada 89315, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, to-wit:

Bear Lake County, Idaho

Lots 31 and 32, Block 1, Bailey Creek Acres Subdivision, according to the official plat thereof, as recorded in the office of the County Recorder of Bear Lake County, Idaho, under Recorder's Instrument No. 88232.

together with their appurtenances.

DATED: November 2, 2006

Sherri L. Garner
Sherri L. Garner

STATE OF IDAHO)
 :SS
County of Caribou)

On this 2nd day of November, 2006, before me, the undersigned, a Notary Public in and for said state, personally appeared **SHERRI L. GARNER**, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

CARLA HALE
NOTARY PUBLIC
STATE OF IDAHO

Carla Hale
NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission Expires: 9/3/2008