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August 29, 2011

IDWR Eastern Division
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Ownership change / clarification / Address Change
Right: 29-00290B Rapid Creek, Portneuf Drainage

To Whom It May Concern:

I am writing to clarify or change the ownership designation of the above noted water right on Rapid Creek in Inkom, Idaho. The subject property was originally owned by Claude and Ada Stuart. In 1975, My father Nephi Michael Luker purchased two surveyed parcels (north parcel and south parcel) from John and Lena Clark, who had in turn purchased it a few days before from the Stuarts, all as part of a connected land sale.

Thereafter on the 14th of June, 1978 my father established a living trust in the name of his mother Wilhelmine Luker who was deceased. The trust was a revocable trust, and he maintained authority to add to or subtract from the corpus and otherwise manage the corpus of the trust.

On September 14, 1978, my father purchased in the name of the trust, three platted lots from Claude and Ada Stuart which were part of their original parcel, and which are adjacent to the two parcels previously purchased by my father in 1975 (Lots 1, 2, 3 Skyline Third addition). All of the subject parcels and lots have been functionally one unit since the Stuarts owned it all.

Next, on September 15, 1997, my father quitclaimed the first two parcels into the trust, in which ownership the property has remained to this date. Bannock County tax rolls reflect that ownership and taxes have been paid accordingly on all of the parcels and lots.

During the water rights adjudication, my father filed to maintain the water right on the property, which included all of the above parcels and lots. The application, however, was processed in his name, and the decree of March 22, 2004 lists him as the right holder. Nevertheless, based upon the foregoing, it appears that he was actually acting in his capacity as trustee for the Wilhelmine Luker Trust.

My father passed away on November 17, 2008. At that time the trust became an irrevocable trust. I am both the personal representative of his estate, and the successor trustee of the trust. I originally sent a change of address to the Department asking that notices be mailed to me as personally representative of the estate, because the decree appeared to be in his name.

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Eastern Region

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As I have sorted out his affairs and the property transfers, it appears, as noted, that my father was acting in his capacity as trustee of the trust when he filed for the water right. There is no documentation that he claimed or retained any separate deed for the water, and there is no indication that he intended to sever the water right from the land.

Consequently, I am writing to correct the ownership designation, and to change the mailing address to me as Trustee of the Trust, rather than personal representative of the estate.

In light of the forgoing, I am not sure if you need a formal request to change ownership or not, but to make sure, I have enclosed both the request for address change, the Notice of Change of Water Right Ownership and the \$25 fee, plus other documents listed below. All of the parcels and lots property continue to be operated as one agricultural farm / ranch property.

Documents enclosed are as follows:

1. Notice of Change of Ownership;
2. Request for Change of Address;
3. Check for \$25;
4. Deed of trust of 9/14/1978 for Lots 1, 2, 3, Skyline, from the Stuarts to the Trust;
5. Quitclaim Deed of 9/15/1997 from N. Michael Luker to the Trust;
6. Trust document with addendums;
7. Map of the subject property;
8. Water Right Decree 3/22/2004;
9. Death Certificate of Nephi Michael Luker

Please let me know if you need anything further. Thank you for your assistance.

Yours truly,



Lynn M. Luker
Attorney at Law
Trustee, Wilhelmine Luker Trust
Personal Rep. Estate N. Michael Luker

Enclosures