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

RECEIVED**MAY 17 2001****DEPARTMENT OF WATER RESOURCES**

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, 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
96-4116					
~~96-4115~~	split into 96-09101				
96-4122				96-09103	

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) are 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)
THE ESTATE OF WILLIAM N. + RUTH M. SHERWOOD
90 RICHARD W. SHERWOOD 143 SHERWOOD RD.
 RET BOX 219 SAGE ID 8386
4. New Owner/Claimant(s)
SUSAN AND MARK KUBIAK
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
PO Box 142
- City, State and ZIP Code
DOVER ID 83825
- New Telephone Number
(208) 263-9792
5. Date you acquired the property
1/25/2001

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See WR # 96-09101 for support documentation

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>96-4116</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		
Stock	<u>0.02 CFS</u>	
Domestic	<u>0.1 CFS</u>	
Other		
Total	<u>0.12 CFS</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 <u>96-4212</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>1.5</u>	<u>32 ACRES</u>
Stock		<u>1 home</u>
Domestic	<u>0.04</u>	
Other		
Total	<u>1.54 CFS</u>	

7. Signature of New Owner(s) or Claimant(s) X [Signature] X [Signature]
(include title if applicable) MARK KUBIAK SUSAN KUBIAK

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 do Date 5/3/01 Fee \$25 x 2 = \$50.00
Received by do Date 5/3/01 Receipt No. N 014325
Processed by do Date 5/3/01 WR 96-4212 Date 5/3/01

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additional fee of \$75.00 on receipt C055062 - 7.23.01 - Ret
for split on 96-4212 / \$75.00 --- #C061642 --- 425-02 --- JMA

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 96-9103

WATER RIGHT NUMBER: 96-9103

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM N SHERWOOD RT 2 BOX 219 SANDPOINT, ID 83864
Original Owner	VALERI E SHERWOOD
	, ZZ
Original Owner	D L SHERWOOD
	, ZZ
Original Owner	PAUL CURLESS
	, ZZ
Original Owner	R W SHERWOOD
	, ZZ
Original Owner	RUTH M SHERWOOD RT 2 BOX 219 SANDPOINT, ID 83864
Original Owner	MARGUARITE SHERWOOD
	, ZZ
Original Owner	GAIL R CURLESS
	, ZZ
Current Owner	SUSAN KUBIAK PO BOX 142 DOVER, ID 83825 (208) 263-9792
Current Owner	MARK KUBIAK PO BOX 142 DOVER, ID 83825 (208) 263-9792

Priority Date: 06/07/1899

Basis: Statutory Claim

Status: Active

SourceCARR CREEK
HORNBY CREEKTributaryPEND OREILLE RIVER
PEND OREILLE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	04/01 to 09/30	0.040 CFS	
IRRIGATION	04/01 to 09/30	0.930 CFS	
	<u>Total Diversion:</u>	0.930 CFS	

Location of Point(s) of DiversionHORNBY CREEK
BONNER County

NW1/4SW1/4

Sec. 5 Twp 57N, Rge 02W, B.M.

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MAY 17 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 96-9103

CARR CREEK
BONNER County

NW1/4SE1/4

Sec. 14, Twp 57N, Rge 03W, B.M.

Place of Use

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 02W 30													12.0			20.0	32.0

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 02W 30													12.0			20.0	32.0

Total Acres: 32

Conditions of Approval:Remarks:

- General SOURCES ARE HORNBY CK. LOCALLY KNOWN AS COLD SPRINGS CK.
CARR CK. LOCALLY KNOWN AS RINER CK., TRIB. TO PEND OREILLE R

Comments:

- scurtis 4/26/2002 Change of Ownership
Comment: Right 96-4212 was split into 96-9102 and 96-9103 due to the filing of a Notice of Change of Water Right Ownership.

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OCT 17 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 29, 2002

MARK KUBIAK
SUSAN KUBIAK
PO BOX 142
DOVER ID 83825

RE: Change of Ownership for Decreed Water Rights 96-9101 and 96-9103

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records. Also enclosed are receipts for the \$200.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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OCT 17 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

April 3, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARK KUBIAK
SUSAN KUBIAK
PO BOX 142
DOVER ID 83825

RE: Water Right No. 96-4116 - Change in Water Right Ownership

Dear Mr. & Mrs. Kubiak:

We have received the Easement document you recently sent in support of your Notice of Change in Water Right Ownership for the above referenced water right.

After reviewing the document, I find that while it may nullify access to the springs and associated diversion and conveyance works by the successors of Paul and Gail Curless, it does not render the use of water on that property as forfeited or relinquished nor does it prevent the owner(s) from transferring their portion of the right to another point of diversion to which they may obtain access.

Contact with the assessor's office indicates that Paul and Gail Curless are still the owners of property within the NWSE. Because you do not own any property in the NWSE, the department must split this water right, retaining a portion for use in the NWSE. Before we can complete this process, we must receive an additional \$75 filing fee (splitting of a right requires a filing fee of \$100; you have already paid \$25) and you must identify for us how the 0.10 cfs for domestic use and 0.02 cfs for stockwater use is to be divided. Absent any information regarding the split, the department generally processes split rights based on proportional amounts owned by each water user. In this case, your portion would likely be 2/3 of the original right.

The department cannot process your change in ownership without the appropriate fees. We will hold processing for 30 days to allow you time to submit fees and the information requested. If we do not receive the necessary fees, we will return your notice and accompanying documentation and refund the \$25 fee already paid.

If you have any further questions, please give me a call at (208) 327-7940.

4/17/02

Sincerely,

Jeff Peppersack, Manager
Water Rights Permits Section

I recieved a call from Dan McKonklin, Realtor, on behalf of Kubiaks. We discussed the letter and clarified splitting of water rights and non-use of water. They will decide how to proceed and let us know.

JP:klt

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