

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 21 2023

DEPT OF WATER RESOURCES
SOUTHERN 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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
45-10891	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Sharon Papp Okelberry
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Robert Kent Gardner and Linda L. Gardner, husband and wife
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or

176 E Overda St.
Mailing address
360-790-2406
Telephone

Preston, ID 83263
City State Zip
rkgardner@msn.com
Email

4. If the water rights and/or adjudication claims were split, how did the division occur? N/A
☐ 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 17, 2005
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
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):
 o \$25 per undivided water right.
 o \$100 per split water right.
 o 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.

8. Signature: Robert Kent Gardner 12/15/2023
Signature of new owner/claimant Title, if applicable Date
Robert Kent Gardner
Print name
- Signature: Linda L. Gardner 12/15/2023
Signature of new owner/claimant Title, if applicable Date
Linda L. Gardner
Print name

Received by SG Date 12/21/2023 For IDWR Office Use Only: Receipt No. 5040032 Receipt Amt. \$25.00
 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 _____ Approved by _____ Processed by DM Date 2/14/2024

302770 WARRANTY DEED

#40161

For Value Received

MICHAEL SHAYNE GALLAGHER, a married man contracting with his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT KENT GARDNER and LINDA L. GARDNER, Husband and Wife
Address: 1605 HOMANN AVE. SE, LACEY, WA 98503

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

Lot 5 in Block 13 of the Oakley Townsite, Cassia County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

EXCEPT:

The West 87 feet thereof.

ALSO EXCEPT:

**Beginning at the Southeast corner of Lot 5 in Block 13 of said Oakley Townsite;
Thence North 70 feet;
Thence West 2 feet;
Thence South 70 feet;
Thence East 2 feet to the Point of Beginning.**

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2005 and subsequent years, a lien, but not yet due or payable.

Any assessments levied, or to be levied, by the City of Oakley.

Powerline Easement executed by Ezra Clark and Maude M. Clark, his wife to Idaho Power Company, a corporation, its licensees, successors and assigns, dated September 16, 1940 and recorded September 5, 1941 in Book 12 of Miscellaneous on Page 413, as Instrument No. 139852, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 17, 2005


MICHAEL SHAYNE GALLAGHER

302770

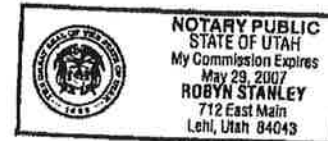
CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 6.00 DEPUTY 

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

2005 JUN 27 AM 10 47
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

On this 17 day of **June, 2005**, before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL SHAYNE GALLAGHER**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at:
My Commission expires:



Sharon F. Jones Amend this Deed for Legal Description

~~265974~~

QUITCLAIM DEED

267113

For Value Received *Sharon F. Jones*

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Michael Shayne Gallagher P.O. Box 54, Oakley ID 85344

Hereinafter called the grantee, the following described premises, in *Cassia* County, Idaho
to-wit: Lot 5 in Block 13 of the Oakley Townsite, Cassia County, Idaho, as the same is platted in the official
plat thereof, now of record in the office of the Recorder of said County.

EXCEPT:

The West 87 feet thereof.

Jones
ALSO EXCEPT:

Beginning at the Southeast corner of Lot 5 in Block 13 of said
Oakley Townsite;
Thence North 70 feet;
Thence West 2 feet;
Thence South 70 feet;
Thence East 2 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the gran-
tee's heirs and assigns forever.

Dated: 11/15/99

Sharon F. Jones

Individual

STATE OF IDAHO, COUNTY OF *Cassia*

On this *15* day of *NOV.*, 19 *99*
before me, a Notary Public in and for said State,
personally appeared

Sharon F. Jones

known or identified to me to be the person
whose name *she* subscribed to the within
instrument, and acknowledged to me that
executed the same.

Kobayashi F. F. F. F. F.

Residing at *Idaho*
Commission expires *8-25-03*

Box 54
Oakley, ID 85344
RECORDED AT THE REQUEST OF
Michael Gallagher
99 NOV 16 PM 3 18
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE *3.00* DEPUTY *one*
265974

267113

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE 6.00 DEPUTY LM

'00 JAN 28 AM 11 32

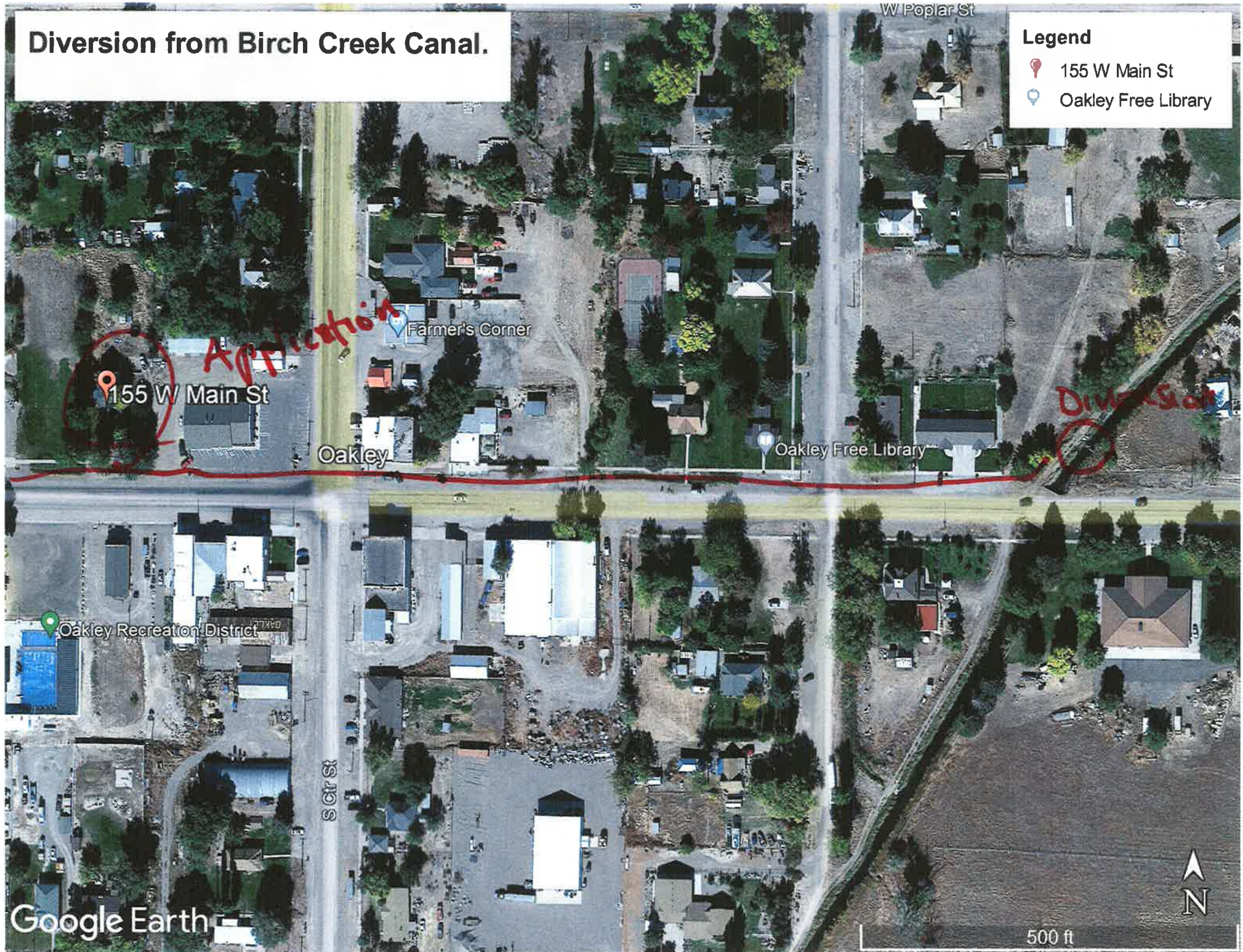
RECORDED AT THE REQUEST OF

Staci Gallagher
RE: P.O. Box 54
Oakley, ID

Diversion from Birch Creek Canal.

Legend

- 155 W Main St
- Oakley Free Library





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 14, 2024

ROBERT KENT GARDNER
LINDA L GARDNER
176 E ONEIDA ST
PRESTON ID 83263-1349

Re: Change in Ownership for Water Right No(s): 45-10891

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9908.

Sincerely,

Denise Maline
Administrative Assistant 1

Enclosure(s)

c: Water District 45B

R. Kent and Linda L. Gardner
176 E Oneida Street
Preston, ID 83263

December 18, 2023

RECEIVED

DEC 21 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Dept. of Water Resources, Southern Region
Att'n: Denise Maline, Administrative Assistant
650 Addison Avenue W., Suite 500
Twin Falls, Idaho 83301-5858

Re: Water Right 45-10891

Dear Ms Maline:

First, my apology for taking the full sixty (60) days you offered to reply to your request. We do not go to Cassia County often from Preston. We needed to visit the Cassia County recorder in person to obtain the title information you requested.

Sharon Oaklberry was an ancestor in title. We think she married and became Sharon F. Jones. That is the name she used when she signed a Quit-claim Deed (copy attached) to the property on November 15, 1999, to Michael Shayne Gallagher, a married man, as his sole and separate property. Mr. Gallagher signed an unrecorded real estate contract with Linda L. France in the summer of 2002, who was a widow at that time. I married Linda on May 1, 2004, and she adopted my last name. Together we refinanced the property, paid off the real estate contract and received a Warranty Deed (copy attached) from Mr. Gallagher on June 17, 2005, which included "all water and water rights, ditches and ditch rights used thereon and appurtenant thereto."

Therefore, we believe, as successors in title from Sharon Papp Oaklberry, that we are the present and rightful owners of Birch Creek Water Right 45-10891.

Sincerely,


R. Kent Gardner

Enclosures



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 18, 2023

ROBERT GARDNER
LINDA GARDNER
176 E ONEIDA ST
PRESTON ID 83263

Re: Current Ownership for Water Right No(s). 45-10891

Dear Property Owner(s):

The Department is working to clean up water right records and has discovered that the ownership may need to be updated for the water right(s) referenced above. The water right reference above is currently in the name of Sharon Okelberry, however after further research, it was discovered that you may be the current of the property associated with that water right. Enclosed is additional information for your review.

In order to update our records to reflect your ownership of this water right, you will need to file the enclosed Notice of Change in Water Right Ownership. Please complete the form and return to this office with all of the required information within sixty (60) days of the date of this letter.

Thank you in advance for your cooperation. If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858



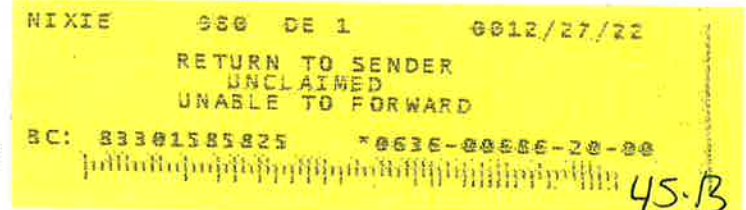
RECEIVED

DEC 30 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

45-10891
SHARON PAPP OKELBERRY
106 W MAIN
OAKLEY ID 83346

UNC
83301-5858



Water District 45B Annual Meeting Notice

45-10891

Per tax parcel info: Robert & Linda Gardner, 176 E Oneida St, Preston ID 83263

Ownership change info sent 10-18-2023 (2nd request)

AM