

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

DEV

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-383	Adj.-Needs NCAP				
22-321	Adj.-Needs NCAP				
22-7696	WR				

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MAR 17 2008

Department of Water Resources
Eastern Region

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 on file with the county Planning and Zoning or Recorder's Office).
- OR
- D. 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 or equivalent **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)	Elmer Leon Beard
	624 North 450 West
	Tetonia, Idaho 83452
4. New Owner/Claimant(s)	City of Tetonia
	Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	P.O. Box 57, 105 Perry Avenue
City, State and ZIP Code	Tetonia, Idaho 83452
New Telephone Number	(208) 456-2249
Email:	

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5. Date you acquired the property March 7, 2008
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number 22-383		
Irrigation		
Stock		
Domestic		
Other/Municipal purpose	.60cfs	43.85
Totals	.60 cfs	43.85
Water Right and/or Adjudication Claim Number 22-321		
Irrigation		
Stock		
Domestic		
Other/ Municipal purpose	.50cfs	43.85
Totals	.50cfs	43.85
Water Right and/or Adjudication Claim Number 22-7696		
Irrigation		
Stock		
Domestic		
Other/Municipal purpose	.74cfs	43.85
Totals	.74cfs	43.85

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.

7. Signature(s) of New Owner(s) or Claimant(s) Rex Jardine Mayor
(title if applicable)
(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by JB
 Received by JB
 Processed by AJ

Date 3-25-08
 Date 3-25-08
 Date

Receipt Amt: \$100.00
 Receipt No. E033879
 WR Date

195935 MAR 7 '08 AM 9:50

WARRANTY DEED

THIS INDENTURE, Made this 7th day of March, 2008, between **Elmer Leon Beard and Martha Sue Beard**, husband and wife of 624 North 450 West, Tetonia, Idaho 83452, the parties of the first part, and **The City of Tetonia**, a municipal corporation existing within the County of Teton, Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of \$613,000 and no/100 Dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and by these presents, do hereby grant, bargain, sell, convey and confirm unto the said party of the second part, and its assigns forever, all of their right, title and interest in and to the following described real estate, situated in the County of Teton, State of Idaho, to-wit:

Part of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 29, Township 6 North, Range 45 East of the Boise Meridian, Teton County, Idaho described as follows:

Beginning at the Southwest corner of said Section 29 and running thence N.00°41'03"E. 2642.23 feet along the section line to the West Quarter corner of said Section 29; thence along the boundary of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) the following three courses: (1) S.89°58'48"E. 1383.80 feet; thence (2) S.00°28'59"W. 1320.60 feet; thence (3) N.89°59'59"W. 1328.44 feet; thence S.00°41'03"W. 1321.10 feet to the south line of said Section 29; thence S.89°58'51"W. 60.00 feet along said south line to the point of beginning.

Parcel contains 43.85 acres and is subject to the existing County Road right-of-way along the south side of the above described parcel.

Together with the following water rights:

Instrument # 195935

TETON COUNTY, IDAHO

3-7-2008 09:30:00 No. of Pages: 4

Recorded for : ALLIANCE TITLE

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee: 12.00

- A. 40 shares of the capital stock of Spring Creek and Lower North Leigh Creek Water Users Association, Inc. (Which entity owns State of Idaho Water Right License and Adjudication Claim No. 22-7008);
- B. An undivided one-fourth (1/4) interest (.60CFS) in State of Idaho Water Right License and Adjudication Claim No. 22-383, which right is for a total of 2.4CFS.
- C. An undivided one-fourth (1/4) interest (.50CFS) in State of Idaho Water Right License and Adjudication Claim No. 22-321, which right is for a total of 2.0CFS
- D. An undivided one-fourth (1/4) interest (.74CFS) in State of Idaho Water Right License and Adjudication Claim No. 22-7696, which right is for a total of 2.96 CFS. ($1/4 \times 2.96 \text{CFS} = .74 \text{CFS}$). The water from this right (No. 22-7696) is obtained from ground water by means of a deep well and pump located in the NE1/4SE1/4 of Section 30, Township 6N., Range 45 East Boise Meridian, in Teton County, Idaho, which well, motor, pump, and panel, (hereinafter called the "Water System") belong to Parties of the First Part herein and shall remain wholly owned by Parties of the First Part and subject to Parties of the First Part unrestricted use. Providing, however, Party of the Second Part shall have the non assignable right to the joint use with Parties of the First Part of said water system for its own water use purposes on the property above described being purchased by Party of the Second Part herein from Parties of the First Part herein which is part of the property designated as the places of use specified in said license and adjudication claim No. 22-07696, and subject to the limitations and specifications contained in said water right license and adjudication claim as "Conditions of Approval."

The parties shall pay when due, on a pro-rated basis according to the relative water rights diverted through said system by the parties, (3/4 thereof by Parties of the First Part and 1/4 thereof by Party of the Second Parts) all costs of any further installations used by both parties, as well as maintenance, major repairs and replacements, of said water system. Party of the Second Part shall pay all demand charges for the power charges to operate said system, and each of the parties shall pay its share of the costs of the power and oil and "day to day" ordinary minor repairs on a pro-rated basis determined by the parties from time to time, based on the relative uses by the parties. Party of the Second Part shall be responsible, since it will be the major user of the system, to pay the said bills for all of said charges, and to account for and bill the Parties of the First Part, for Parties of the First Part portion of said bills.

Party of the Second Part shall have the right to change, at its own total costs, its point of diversion of its water right herein granted to it, from said well and pump, for its own use, to any other point of diversion, but shall have no right to change

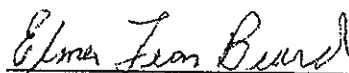
Parties of the First Part point of diversion, nor sell, lease or assign to any one any rights in said water system. If Parties of the First Part choose to sell said water system, it must sell same subject to Party of the Second Parts continued right to use said system to divert its own water right for so long as it chooses to. Further, if Parties of the First Part choose to sell said water system the Party of the Second Part has the first right of refusal to purchase the same, providing however, Parties of the First Part may elect to sell said water system as a part of the sale of their own real estate upon which Parties of the First Part portion of water right No. 22-7696 is used. Therefore Party of the Second Parts first right of refusal to purchase the water system, would have to also include the first right of refusal to purchase Parties of the First Part own said real estate which is also irrigated by the use of said water system.

SUBJECT TO easements, if any, of record or in existence for roads streets, ditches, canals, pipelines and utilities.

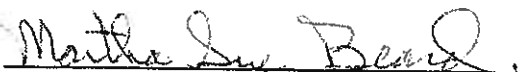
TO HAVE AND TO HOLD the said premises, together with all and singular the tenements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof: and all estate, right, title and interest in and to said premises, as well in law as in equity, of the said parties of the first part.

And the said parties of the first part, and their heirs, hereby warrant and agree to forever defend the parties of the second part, their heirs and assigns, in the quiet and peaceable possession of said premises against all and every person lawfully claiming an interest therein.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.



Elmer Leon Beard



Martha Sue Beard

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



William Heston

Notary Public for Idaho

Residing at:

My Commission Expires:

Residing in Jefferson County
Commission Expires: 01-06-13



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-321,

22-383

Point(s) of Diversion:

T6N, R45E

Sec. 29 SWSWSE,

SWSWSW (Blair Canal)

Sec. 32 SWNWNE

Place of Use: (parts of)

T6N, R45E

Sec. 30 N2S2, SESE,

Sec. 29 W2SW

LEGEND



Point of Diversion



Place of Use



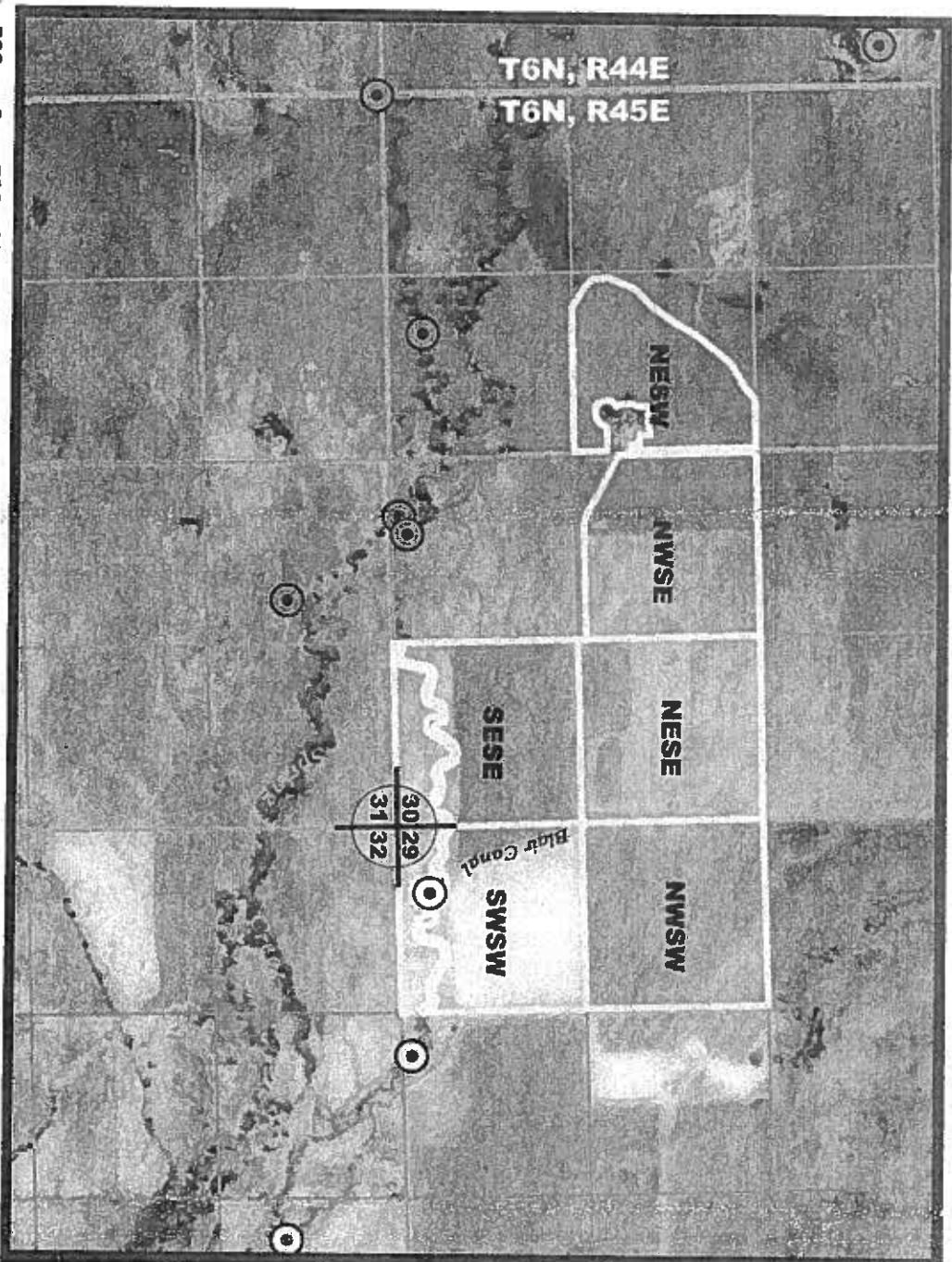
Section



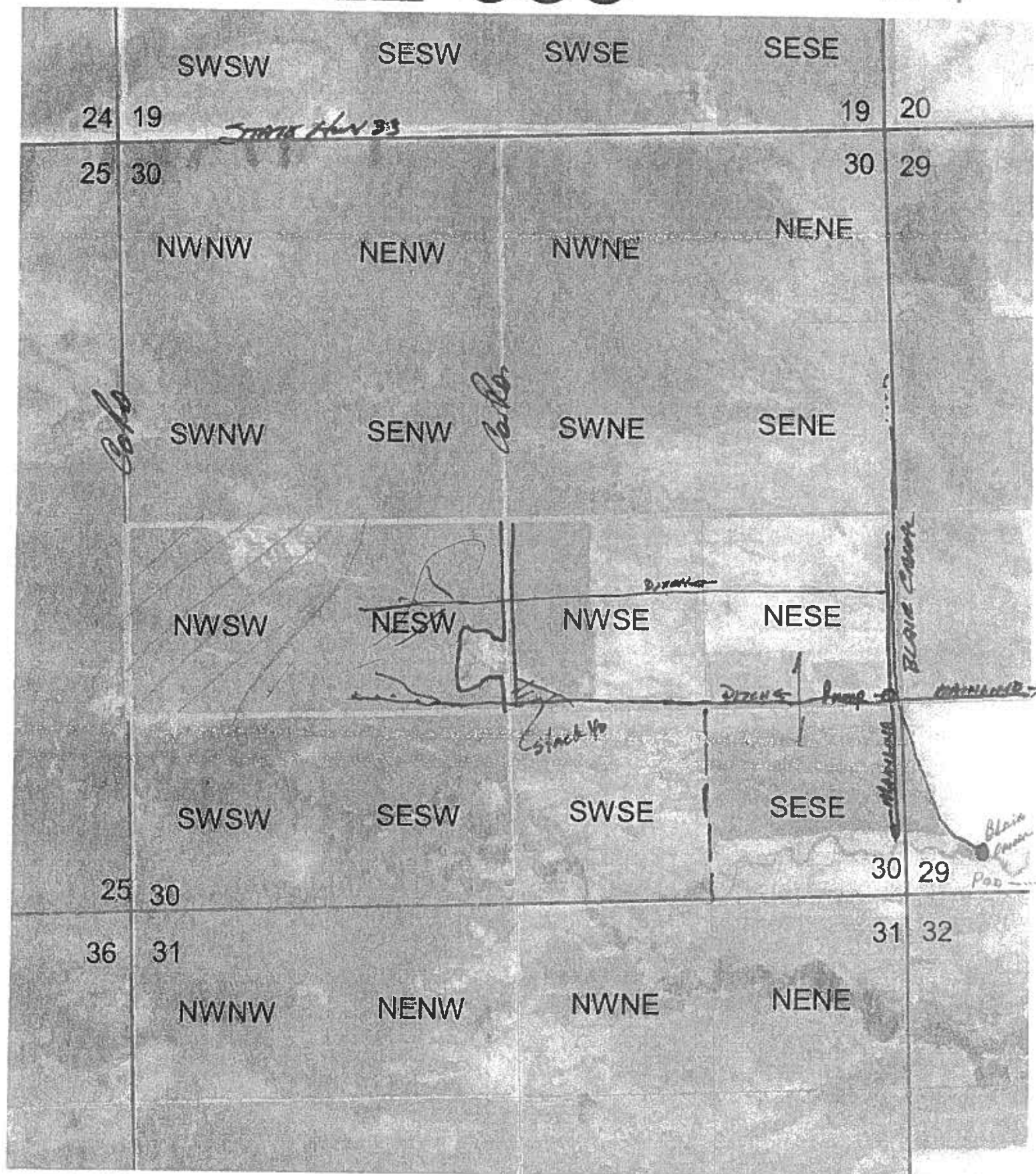
Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NADP Photography
Prepared by: A. Ruberry
Date: February 2005



8/9/04 *per*





State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-321,
22-383

Point(s) of Diversion:
 T6N, R45E
 Sec. 29 SWSWSE,
 SWSWSW (Blair Canal)
 Sec. 32 SWNNWNE

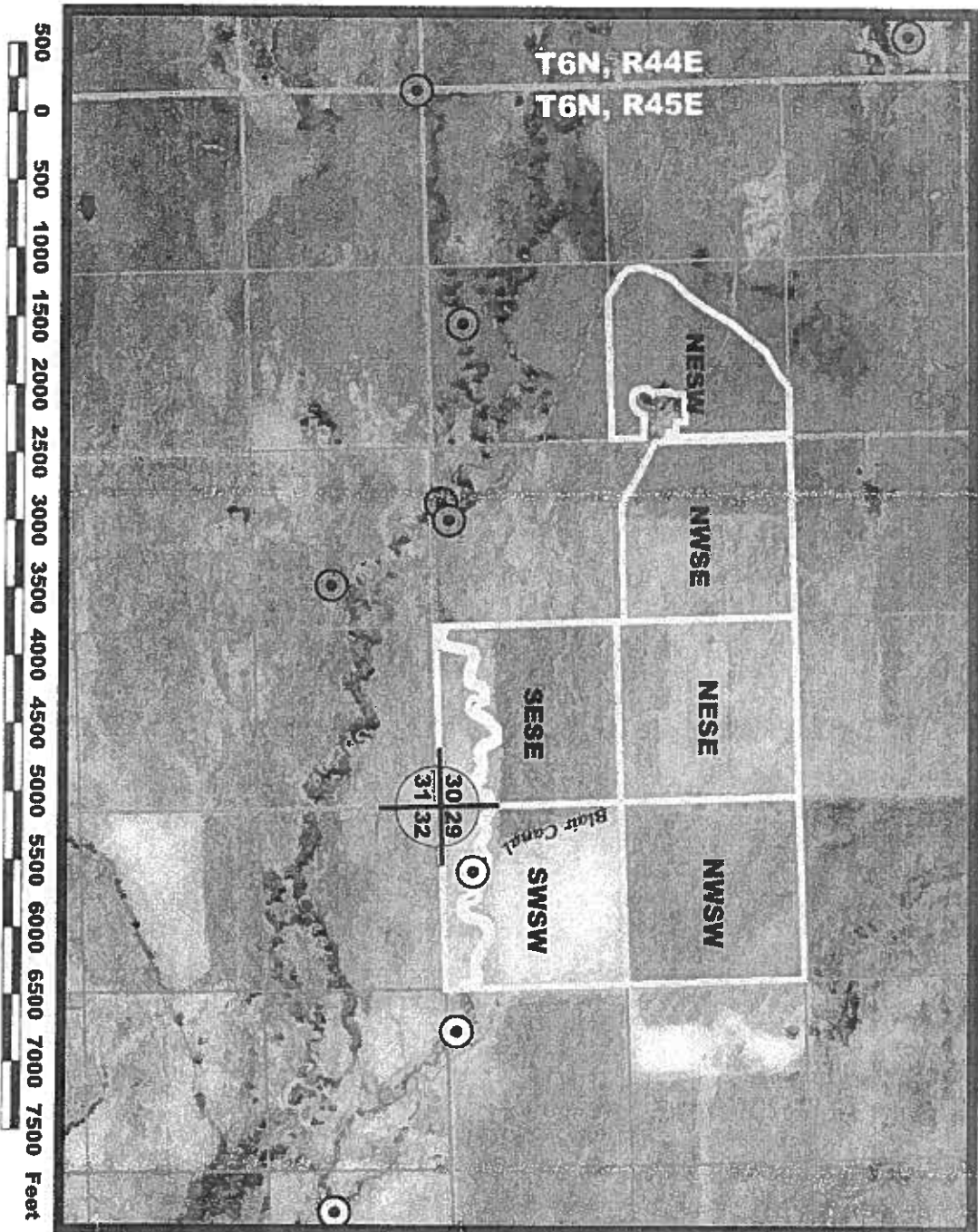
Place of Use: (parts of)
 T6N, R45E
 Sec. 30 N2S2, SESE,
 Sec. 29 W2SW

LEGEND

-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter

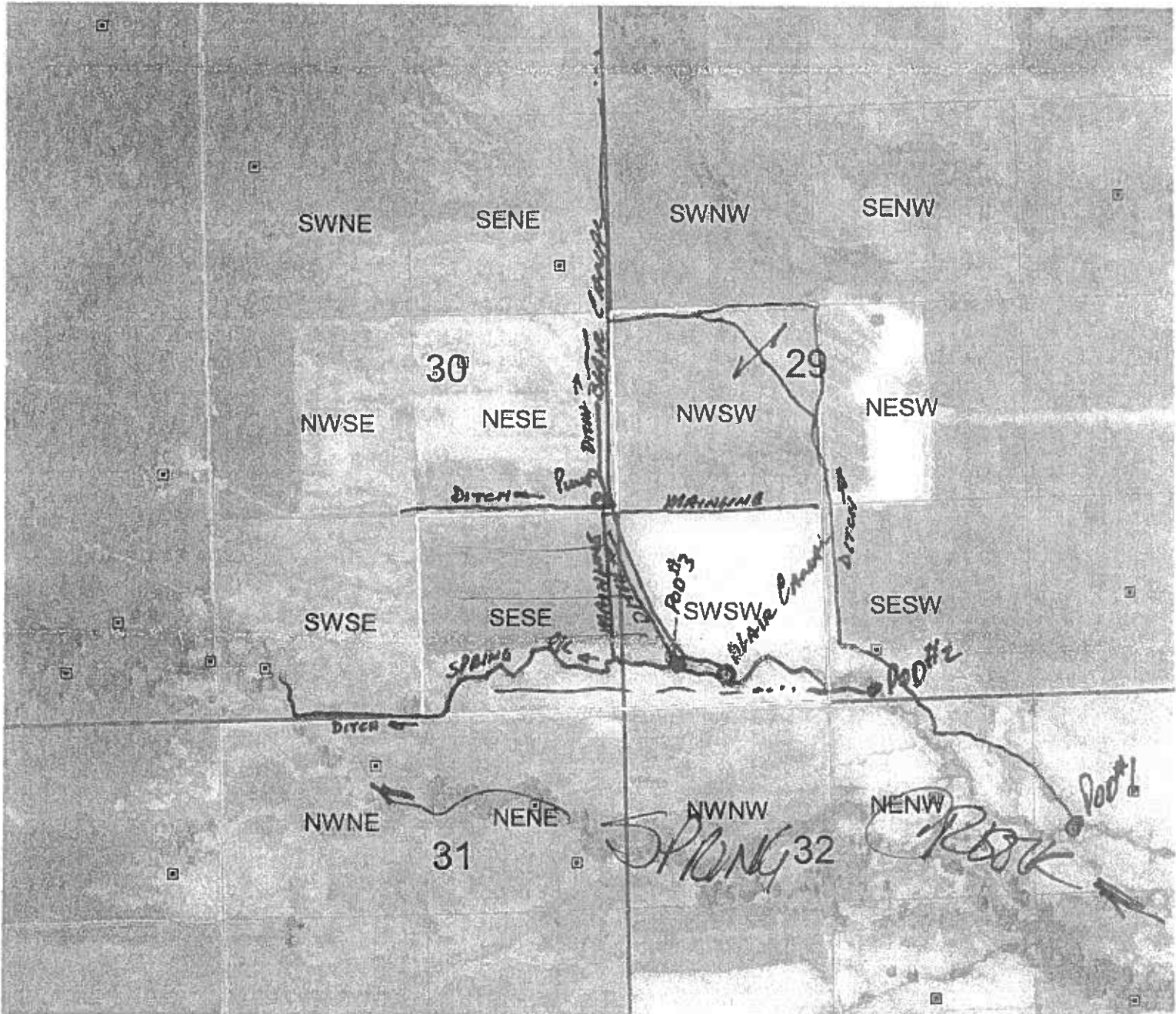


GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepared by: A. Ruberry
 Date: February 2005



22-321

8/9/04 ASR



Well SENESE
Sec. 30

22. 7696

TR45E
6
N

Place
OF
USE

Point
OF
DIVERSION

Creek

OUT

PACIFIC

Spring

36

31

32

24

19

20

25

30

29

O

Z

BM 5990

Gravel Pit

Gravel Pit

BM 5985

Well

Haden

Substation

5987

BM 5999

BM

607b

5975

5976

599

607

5953

5954

Gravel Pit

BM 6039