

COPY

DISTRICT COURT - IDAHO
TWIN FALLS CO., IDAHO
FILED _____

2007 OCT 5 PM 12 19

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase No. 37-206 (Split)
) 37-22225 and 37-22226
)
)

) **NOTICE OF COMPLETED**
) **ADMINISTRATIVE PROCEEDING**
)

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 10/4/07

T. J. [Signature]
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/5, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

City of Bellevue
PO Box 449
Bellevue ID 83313

John Brown Inc
247 Glendale Rd
Bellevue ID 83313

Fritz Haemmerle
Haemmerle & Haemmerle PLLC
PO Box 1800
Hailey ID 83333



Signature of person or attorney mailing the form

09/11/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-206	JOHN BROWN INC 247 GLENDALE RD BELLEVUE ID 83313	Disallowed	Recommended as Right No. 37-22225 and 37-22226.

09/10/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22225

NAME AND ADDRESS: JOHN BROWN INC
247 GLENDALE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.140 CFS

PRIORITY DATE: 06/01/1901

POINT OF

DIVERSION: T01N R18E S12 NWSESW Within BLAINE County

PURPOSE AND

PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/15 10/31		3.140 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>				
	T01N R18E S14	SWNW	8.50	T01N R18E S14	NESW 32.70
	T01N R18E S14	NWSW	40.00	T01N R18E S14	SWSW 40.00
	T01N R18E S14	SESW	35.00	T01N R18E S14	NWSE 32.90
	T01N R18E S14	SWSE	1.20	T01N R18E S15	SENE 7.00
	T01N R18E S15	NESW	6.70	T01N R18E S15	SESW 25.00
	T01N R18E S15	NESE	39.00	T01N R18E S15	NWSE 34.00
	T01N R18E S15	SWSE	40.00	T01N R18E S15	SESE 40.00
	T01N R18E S22	NENE	39.00	T01N R18E S22	NWNE 39.00
	T01N R18E S23	NWNW	34.00	T01N R18E S23	SWNW 33.00

527 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 527.0 acres in a single irrigation season. Combined Right Nos.: 37-22219, 37-22221, 37-22223, 37-22225, and 37-22227.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-206.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

09/10/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22226
NAME AND ADDRESS: CITY OF BELLEVUE
PO BOX 449
BELLEVUE ID 83313-0449
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.060 CFS
PRIORITY DATE: 06/01/1901
POINT OF
DIVERSION: T01N R18E S12 NWSESW Within BLAINE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.060 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S14	NESW 6.30	T01N R18E S14	NWSE 3.10
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9.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 37-22220, 37-22222, 37-22224, 37-22226, and 37-22228.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-206.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

October 5, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ATTN JON ANDERSON MAYOR
CITY OF BELLEVUE
PO 449
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-203, 37-204, 37-205, 37-206, 37-479A

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: John Brown Inc
247 Glendale Rd
Bellevue ID 83313

Fritz Haemmerle
Haemmerle & Haemmerle PLLC
PO Box 1800
Hailey ID 83333

RECEIVED

AUG 29 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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)
37-203	A37-203	X			
37-204	A37-204	X			
37-205	A37-205	X			
37-206	A37-206	X			
37-479A	A37-479A	X			

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) John Brown Inc.
247 Glendale Rd., Bellevue, ID 83313
4. New Owner/Claimant(s) City of Bellevue
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 449
- City, State and ZIP Code Bellevue, ID 83313
- New Telephone Number (208) 788-2128

5. Date you acquired the property

November 27, 1991

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 <u>All rights</u>		
Irrigation	<u>pro rate shares</u>	<u>9.426 acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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) Jon AndersonMayorJ. B. B. 8/10/07

(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 [Signature]
 Receipted by [Signature]
 Processed by AJ

 Date 8/31/07
 Date _____
 Date _____

 Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

RECEIVED

AUG 29 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

WARRANTY DEED

JOHN BROWN, INC., an Idaho corporation, with its principal place of business 247 Glendale Road, Bellevue, Idaho, hereinafter called the Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto the CITY OF BELLEVUE, Idaho, a charter city, whose current address is P.O. Box 449, Bellevue, Idaho 83313, hereinafter called the Grantee, the premises situated in Blaine County, Idaho, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference together with all improvements, easements, hereditaments and appurtenances thereto, pursuant to that certain Agreement dated the 18th day of June, 1991 between the above-named Grantor and Grantee.

TO HAVE AND TO HOLD, the said premises, unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, and its heirs, successors and assigns, do hereby covenant to and with the said Grantee, its heirs, successors and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free from all liens and encumbrances and that Grantor warrants and shall defend said title and the quiet and peaceable possession of said premises by the Grantee, its heirs, successors and assigns forever, against all claims whatsoever.

DATED this 27th day of November, 1991.

GRANTOR:

JOHN BROWN, INC.

By:

Daniel P. Brown
Title: Vice-President

WITNESSES

City of Bellevue

WARRANTY DEED - 1

DEC 3 2007

335867

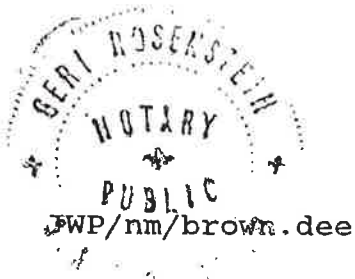
900 MP Deed

STATE OF IDAHO,
County of Blaine.

)
) ss.
)

On this 27th day of November, 1991, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DANIEL BROWN, the Vice-President of John Brown, Inc., an Idaho corporation, the corporation that executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Ben Rosenstein
NOTARY PUBLIC FOR IDAHO
Residing at: Bellevue, Idaho
Commission expires: 07-24-97

PARCEL DESCRIPTION FOR THE BELLEVUE TREATMENT PLANT
AND RAPID INFILTRATION BASINS

A parcel of land located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14; Township 1 North; Range 18 East; Boise Meridian; more particularly described as follows:

Beginning at a point which is South $0^{\circ} 07' 44''$ West 67.08 feet from the center $\frac{1}{4}$ corner of Section 14, T. 1 N., R. 18 E., S.M. using a basis of bearing of North $89^{\circ} 16' 16''$ East 2623.15 feet from the center $\frac{1}{4}$ corner to the East $\frac{1}{4}$ corner of said section:

thence South $90^{\circ} 00' 00''$ East 1091.26 feet; 1091.26

thence South $0^{\circ} 00' 00''$ West 100.00 feet; 100

thence South $90^{\circ} 00' 00''$ West 1050.00 feet; 1050

thence South $0^{\circ} 00' 00''$ West 474.00 feet; 474

thence South $90^{\circ} 00' 00''$ West 221.63 feet; 221.63

thence North $44^{\circ} 11' 35''$ West 331.91 feet; 331.91

thence North $0^{\circ} 00' 00''$ West 112.02 feet; 112.02

thence North $90^{\circ} 00' 00''$ West 161.77 feet; 161.77

thence North $87^{\circ} 33' 13''$ West 310.17 feet; 310.17

thence North $0^{\circ} 00' 00''$ East 57.60 feet; 57.60

thence North $90^{\circ} 00' 00''$ East 637.27 feet to the point of beginning.

Parcel contains 9.426 acres.

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

August 26, 2007

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RECEIVED

AUG 29 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

*Re: Notice of Name Change with Splits (37-203, 204, 205, 206 and 479A –
City of Bellevue)*

To Whom It May Concern:

Please find enclosed a Notice of Name Change with Splits for the aforementioned water rights, claimed by the City of Bellevue. I have also enclosed a check for \$500.00 to cover the fee for the splits. Please advise if there is anything else required.

As always, thank you for your assistance.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
Encl.

cc: Tom Blanchard, City Administrator
Jim Phillips, City Attorney



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 4, 2007

FRITZ HAEMMERLE
HAEMMERLE & HAEMMERLE PLLC
PO BOX 1800
HAILEY ID 83333

RE: Notice of Change in Water Right Ownership
City of Bellevue
SRBA Claim Nos. 37-203, 37-204, 37-205, 37-206
and 37-479A

Dear Mr. Haemmerle:

I am in receipt of the Notice of Change of Water Right Ownership you recently submitted on behalf of the City of Bellevue. Because the Snake River Basin Adjudication Court has not yet decreed these claims, no fee is due to process the owner change. I am herein returning your firm's check no. 5743 in the amount of \$500.00.

Thank you and should you have any questions please feel free to give me a call.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.