

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

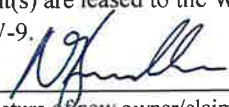
RECEIVED
JUN 08 2022
DEPARTMENT OF
WATER RESOURCES

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?
37-11885	Yes ☐	Yes ☐		Yes ☐	Yes ☐
~~37-11885~~	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-2621	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-212A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-20381	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Brennan Holdings No. 300, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Ketchum, Idaho
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- P.O. Box 2315 191 5th Street West Ketchum ID 83340
Mailing address City State Zip
208-726-3841 jriley@ketchumidaho.org
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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: April 12th, 2022
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
☐ 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):
☐ \$25 per *undivided* water right.
☐ \$100 per *split* water right.
☐ 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:  Mayor of Ketchum June 2, 2022
Signature of new owner/claimant Title, if applicable Date
Neil Bradshaw
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date
Print name

Received by KU Date 6.8.22 For IDWR Office Use Only: Receipt No. C112992 Receipt Amt. \$100 -

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 dj Date 6/23/22

Electronically Recorded
Do not remove the county stamped
first page as it is now incorporated as
part of the original document.

Recording Requested By and When Recorded Mail Tax Statements To:	Instrument # 693033 HAILEY, BLAINE, IDAHO 04-14-2022 11:09:27 AM No. of Pages: 4 Recorded for: BLAINE COUNTY TITLE STEPHEN MCDUGALL GRAHAM Fee: \$15.00 Ex-Officio Recorder Deputy: BH Electronically Recorded by Simplifile
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(Space Above Line For Recorder's Use)

SPECIAL WARRANTY DEED

Grantor, BRENNAN HOLDINGS NO. 300, LLC, a limited liability company duly qualified to do business in the state of Idaho, for good and valuable consideration, receipt whereof is hereby acknowledged, does hereby grant and convey, in fee simple, to the CITY OF KETCHUM, IDAHO, a municipal corporation, whose present address is Post Office Box 2315, Ketchum, Idaho 83340, GRANTEE, its successor and assigns, all of the following described real estate ("Property") situated in the City of Ketchum, County of Blaine, State of Idaho, to wit:

All of Blocks 2, 3, 4, 5, 6, 7 and 8 of Warm Springs Ranch Large Block Plat according to the plat thereof recorded as Instrument No. 688398, records of Blaine County, Idaho

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging.

Grantor warrants to the Grantee, and its successors in title, that Grantor has not created or permitted to be created any lien, charge or encumbrance against the Property which is not shown in the public record, and Grantor covenants that it will defend the Property to the extent of the warranties made herein against the lawful claims of all persons.

Grantee covenants and agrees for itself and its successors and assigns that the Property will forever be a passive park for open space, permitted with only the facilities described herein. The Property will be for use only between sunrise and sunset and shall not at any time be appropriated for or occupied by any structure, building or edifice, nor be in any manner built upon, obstructed, improved or used except for: (1) daytime uses consistent with a passive park and one Special Event regardless of size (as defined in Ketchum Municipal Code Section 12.32 on the date hereof) each calendar year the purpose of which shall be limited to raising funds for maintenance, repair and improvements to the Property, (2) one or more public pedestrian-only trails up to ten feet wide (Nordic-skiing shall be considered a pedestrian use when snow is present), (3) Warm Springs Creek and adjacent riparian zone and floodplain restoration and maintenance, (4) a pump house, public restroom and a single story building up to one thousand square feet and not exceeding a height of twenty-seven feet from natural grade for storage of equipment and supplies needed for maintenance of the Property may be located within the black outline surrounding the parking area as shown on Exhibit "A" attached hereto. No camping or open fires shall be allowed at any time. There shall be no parking on Lopey Lane. The existing parking lot on the Property (including the access driveway) approved for 24 parking spaces shall not be relocated or expanded but the vehicles in

Electronically Recorded
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part of the original document.

Recording Requested By and When Recorded Mail Tax Statements To:	
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Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging.

Grantor warrants to the Grantee, and its successors in title, that Grantor has not created or permitted to be created any lien, charge or encumbrance against the Property which is not shown in the public record, and Grantor covenants that it will defend the Property to the extent of the warranties made herein against the lawful claims of all persons.

Grantee covenants and agrees for itself and its successors and assigns that the Property will forever be a passive park for open space, permitted with only the facilities described herein. The Property will be for use only between sunrise and sunset and shall not at any time be appropriated for or occupied by any structure, building or edifice, nor be in any manner built upon, obstructed, improved or used except for: (1) daytime uses consistent with a passive park and one Special Event regardless of size (as defined in Ketchum Municipal Code Section 12.32 on the date hereof) each calendar year the purpose of which shall be limited to raising funds for maintenance, repair and improvements to the Property, (2) one or more public pedestrian-only trails up to ten feet wide (Nordic-skiing shall be considered a pedestrian use when snow is present), (3) Warm Springs Creek and adjacent riparian zone and floodplain restoration and maintenance, (4) a pump house, public restroom and a single story building up to one thousand square feet and not exceeding a height of twenty-seven feet from natural grade for storage of equipment and supplies needed for maintenance of the Property may be located within the black outline surrounding the parking area as shown on Exhibit "A" attached hereto. No camping or open fires shall be allowed at any time. There shall be no parking on Lopey Lane. The existing parking lot on the Property (including the access driveway) approved for 24 parking spaces shall not be relocated or expanded but the vehicles in

the parking lot (and the access driveway) shall be screened from view from lots adjacent to the Property with landscaping. By acceptance of this deed Grantee agrees for itself and its successors and assigns that the foregoing shall be covenants running with the Property which shall be faithfully observed by Grantee, its successors and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto caused the deed to be executed in its name this 12th day of April, 2021.

Brennan Holdings No. 300, LLC, an Idaho
limited liability company

By: Robert M. Brennan
Robert M. Brennan, Manager

[illegible]

On this 12 day of April, 2021, before me, CURTIS S. CHAMBERS, a Notary Public in and for said State, personally appeared ROBERT M. BRENNAN, known or identified to me to be the manager of Brennan Holdings No. 300, LLC, the limited liability company that executed the within instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

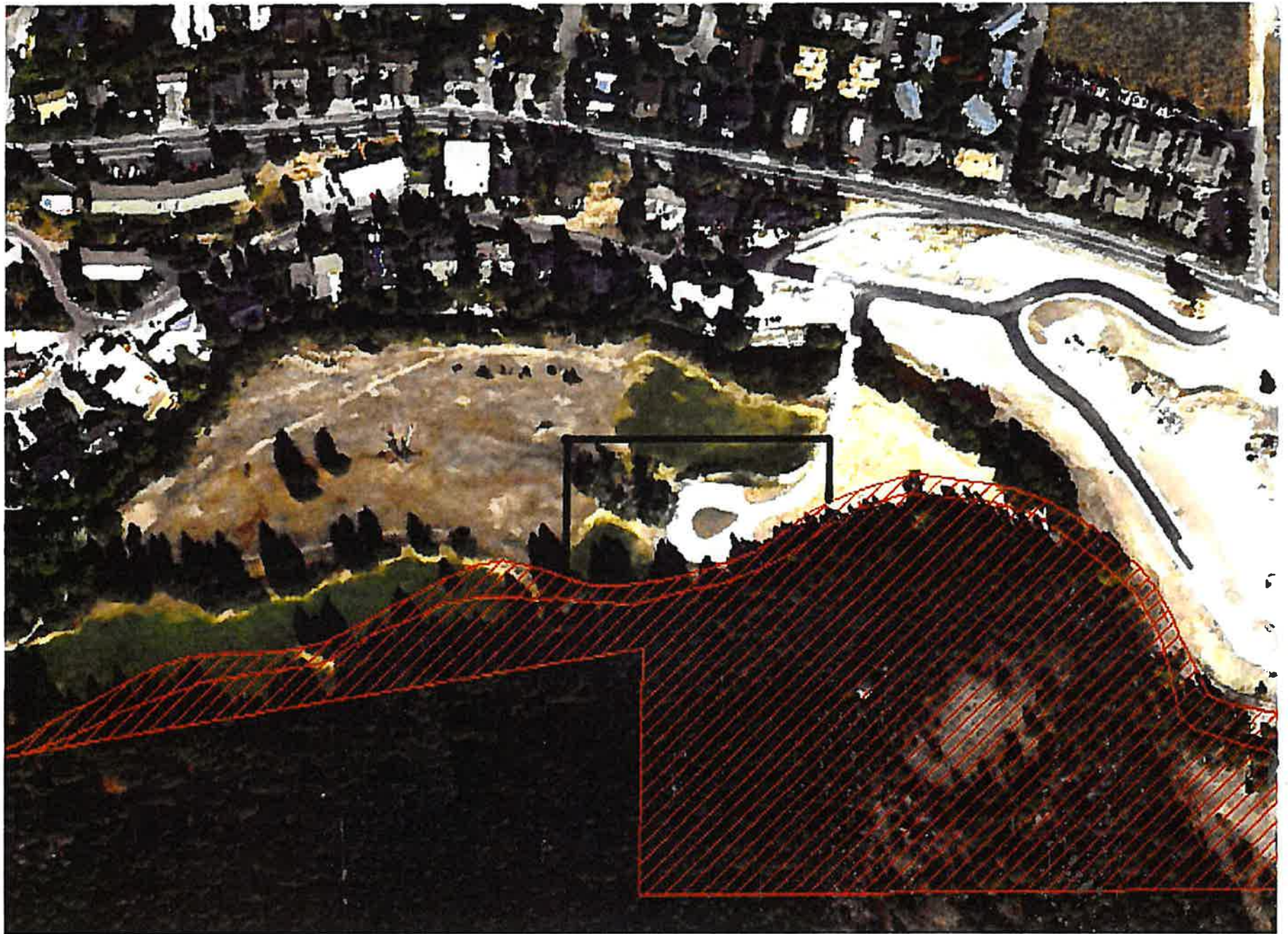
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho
Residing at HATLEY, Idaho
My commission expires 5.18.22

EXHIBIT A
Permitted Building Location

EXHIBIT A



State of Idaho
Department of Water Resources

Water Right

37-11885

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 10/20/2020



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources
Water Right

37-11885

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created 10/20/2020



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



State of Idaho
Department of Water Resources
Water Right

37-2621

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created 10/20/2020



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



IRRIGATION

[illegible]

Date created 10/20/2020



Legend

-  Point of Diversion
-  Place of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters





IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 27, 2022

CITY OF KETCHUM
PO BOX 2315
KETCHUM ID 83340-2315

Re: Change in Ownership for Water Right Nos: 37-212A, 37-2621, 37-11885, and 37-20381

Dear Water Right Holder:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water rights 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) 287-4920 or debbi.judd@idwr.idaho.gov.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

Judd, Debbi

From: Matthew A. Johnson <mjohnson@WHITEPETERSON.com>
Sent: Wednesday, June 22, 2022 4:41 PM
To: Judd, Debbi
Cc: Jade Riley (jriley@ketchumidaho.org); Jordan Brown
Subject: FW: Change in Water Right Ownership

Debbi –

I am the City Attorney for the City of Ketchum. We assisted the City with the initial change in right application and Jade (the City Administrator) forwarded me your email below.

Yes, please amend the notice to reflect no duplication on 37-11885 and to add 37-20381.

Matt

Matthew A. Johnson
WHITE PETERSON GIGRAY & NICHOLS, P.A.
Canyon Park at the Idaho Center
5700 E. Franklin Rd., Ste. #200
Nampa, ID 83687-7901
208.466.9272 (tel)
208.466.4405 (fax)
mjohnson@whitepeterson.com

-- This communication and any files transmitted with it contain information which is confidential and may be privileged and exempt from disclosure under applicable law. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender. Thank you for your cooperation. --

From: Jade Riley <jriley@ketchumidaho.org>
Sent: Wednesday, June 22, 2022 3:22 PM
To: Matthew A. Johnson <mjohnson@WHITEPETERSON.com>
Subject: Fwd: Change in Water Right Ownership

Can you advise

Sent from my iPhone

Begin forwarded message:

From: "Judd, Debbi" <Debbi.Judd@idwr.idaho.gov>
Date: June 22, 2022 at 2:51:13 PM MDT
To: Jade Riley <jriley@ketchumidaho.org>
Subject: Change in Water Right Ownership

Good afternoon,

The Department received your Notice of Change in Water Right Ownership. The notice lists water rights 37-11885, 37-2651, and 37-212A. Water right 37-11885 is listed twice. It appears

that water right 37-20381 is appurtenant to the property described in the deed accompanying the notice. Would you like to amend the notice to remove the extra 37-11885 and add 37-20351? Please reply to this email stating your intention and I will amend the notice for you. Please feel free to contact me should you have questions or concerns.

Thanks,
Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

RECEIVED
JUN 08 2022
DEPARTMENT OF
WATER RESOURCES

WHITE PETERSON

ATTORNEYS AT LAW

KATELIN E. BARTLES
MARC J. BYBEE
WM. F. GIGRAY, III
MATTHEW A. JOHNSON
BRYAN W. KNOX
WILLIAM F. NICHOLS *
ANDREA H. NIELSEN
BRIAN T. O'BANNON *

WHITE, PETERSON, GIGRAY & NICHOLS, P.A.
CANYON PARK AT THE IDAHO CENTER
5700 E. FRANKLIN RD., SUITE 200
NAMPA, IDAHO 83687-7901
TEL (208) 466-9272
FAX (208) 466-4405
EMAIL: mjohnson@whitepeterson.com

PHILIP A. PETERSON
WILLIAM L. PUNKONEY

TERRENCE R. WHITE
OF COUNSEL
WILLIAM F. "BUD" YOST
OF COUNSEL

* Also admitted in OR

June 6, 2022

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Filing of Notice of Change in Water Right Ownership

Dear IDWR:

Enclosed, please find a *Notice of Change in Water Right Ownership* application and a check for the filing fee.

If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

WHITE PETERSON



Jordan Brown

Legal Assistant to Matthew A. Johnson

Enclosures

jb/W:\Work\K\Ketchum, City of 24892\Water Rights .007\2022 WSR Water Right Transfer\2022-06-03 Ltr to IDWR RE Water Right Transfer.doc