

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 30 2019
Department of Water Resources
Eastern 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 #6](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
25-14392 <i>OK</i>	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: Darrel Ker
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Iona
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 3548 N. Main St. Iona ID 83427
Mailing address City State ZIP
- (208) 523-5600 cityclerk@cityofiona.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: January 10, 2019
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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: *[Signature]* City Attorney 25 September 2019
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by *JB* Date 10/1/2019 Receipt No. E045359 Receipt Amt. \$25. -

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 *CR* Processed by *CR* Date 10/2/2019

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Keri West

CITY CLERK

P.O. Box 487

Iona, Idaho 83427

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Darrel Ker, an individual, whose address is 4851 N. 44th E., Idaho Falls, Idaho 83401 (hereinafter collectively "**Grantor**") does hereby grant, bargain, sell, assign, and convey unto the **City of Iona**, an Idaho municipal corporation, whose address is 3548 N. Main St., Iona, Idaho 83427 (hereinafter "**Grantee**") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

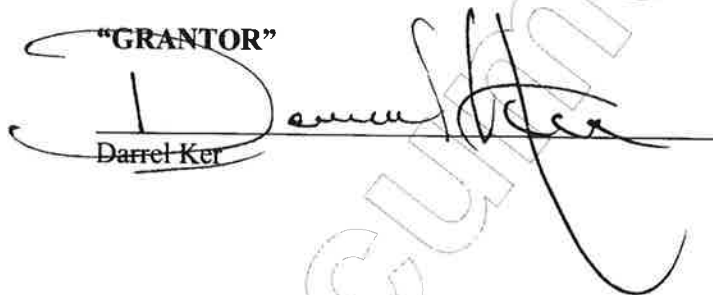
- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

[Signature Page follows]

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed.

DATED this 10th day of January, 2019.

"GRANTOR"

Darrel Ker

STATE OF IDAHO)
County of Bonner)ss.

This record was acknowledged before me on the 10th day of January, 2019, by
DARREL KER.



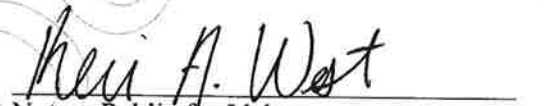

Notary Public for Idaho
My Commission Expires: 08/08/2024

EXHIBIT A
WATER RIGHT DESCRIPTION

SEE ATTACHED

Unofficial Document

IDAHO Department of Water Resources



WATER RIGHT REPORT

12/26/2018

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 25-14392

Owner Type	Name and Address
Current Owner	DARREL KER 4851 N 44TH E IDAHO FALLS, ID 83401 2083133492
Original Owner	PANORAMA HILLS WATER CO PO BOX 252 IONA, ID 83427

Priority Date: 12/16/1977

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	4 / 1	10 / 31	1.58 CFS	316 AFA
Total Diversion			1.58 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESW	Sec. 01	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWNESE	Sec. 01	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWNE	Sec. 12	Township 02N	Range 38E	BONNEVILLE County

Place(s) of use: Large POU Info Conditions of Approval:

1. 124 Place of use is within the service area of the City of Iona municipal water supply system as provided for under Idaho Law.
2. 180 A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. 228 Municipal use is for irrigation of 79 acres within the authorized place of use in a single irrigation season.

12/26/2018

Water Right Report

4. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use. Prior to the diversion and use of water under Transfer approval 82834, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of
6. 214 diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 09/19/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

12/26/2018

Water Right Report

Instrument # 1599851
01/10/2019 03:12:56 PM Page 6 of 6

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Unofficial Document

Attachment to Transfer Approval 82834

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.

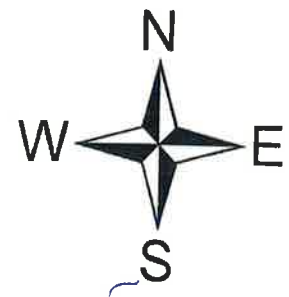


Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 800 1,600 3,200 Feet

1 inch = 1,322 feet



Date: 12/20/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 02, 2019

CITY OF IONA
PO BOX 487
IONA ID 83427-0487

Re: Change in Ownership for Water Right No(s): 25-14392

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) 497-3779.

Sincerely,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Water District 01
Water District 120
Bonneville Jefferson Ground Water District



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: arawlings@holdenlegal.com

September 25, 2019

Idaho Department of Water Resources
Attn: Jonie Barg
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED
SEP 30 2019
Department of Water Resources
Eastern Region

RE: Notice of Change in Water Right Ownership for Water Right No. 25-14392 in the Name of the City of Iona, Idaho.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for the above referenced right (the "Water Right"). The prior owner, Darrel Ker, executed a special warranty deed for water right, deeding the Water Right to the City of Iona, Idaho (the "City"), which was recorded in Bonneville County as Instrument No. 1599851, a copy of which is enclosed. Even though the water right is not being split, we have included a map from the prior approved transfer of the Water Right (#82834).

We have included the required \$25.00 filing fee pursuant to the Department's instructions. With these documents, we believe you can update the ownership accordingly. If you have any questions or concerns, or need any other documentation, please do not hesitate to give me a call.

Cordially,

D. Andrew Rawlings

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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