

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 29 2018

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-22019	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: _____

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): City of Hailey

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

115 Main St. South #H

Hailey

ID

83333

Mailing address

City

State

ZIP

(208) 788-4221

Email

marcel.miller@haileyid.com
haileycityhall.org

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: Jan. 24, 2018 - Quitclaim deeds recorded

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):
 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: _____

Signature of new owner/claimant

Title, if applicable

Date

12/13/17

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by SM Date 1-29-2018

Receipt No. _____

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 _____

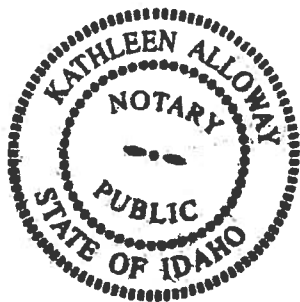
Processed by _____

Date _____

Index to: WTY/QC/CORP DEED

QUITCLAIM DEED/1

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Kathleen Alloway
Notary Public for Idaho
Residing at: Hailey, Id
My commission expires: May 31, 2018

Instrument # 649507

HAILEY, BLAINE, IDAHO

1-24-2018 03:49:30 PM No. of Pages: 2

Recorded for : CITY OF HAILEY

JOLYNN DRAGE

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

G

**RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:**

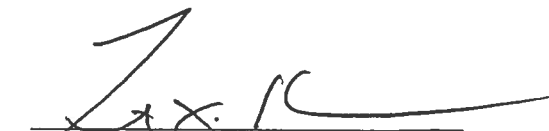
Christopher P. Simms
Hailey City Attorney
PO Box 1861
Hailey, Idaho 83333

(Space above this line for Recorder's use only)

QUITCLAIM DEED

FOR VALUE RECEIVED, the City of Hailey, a municipal corporation ("Grantor"), does hereby convey, release, remise and forever quitclaim unto the Hailey Cemetery Maintenance District, a political subdivision of the State of Idaho, P.O. Box 4515 Hailey, Idaho 83333, its heirs and assigns forever, all its rights, title and interest in and to Water Right No. 37-23031 for .36 cfs used for the irrigation of 18.8 acres used within the place of use for such water rights, described in Water Right No. 37-23031 and more particularly, SESW, Sec. 10, Township 02N, Range 18E, Blaine County, Idaho.

IN WITNESS WHEREOF, the Grantor has executed this deed this 13 day of December, 2017.


Fritz X. Haemmerle, Mayor

STATE OF IDAHO)
) ss.
County of Blaine)

On this 13th day of December, 2017, before me, a Notary Public in and for said State, personally appeared Fritz X. Haemmerle, known or identified to me to be the Mayor of the City of Hailey, Idaho, a municipal corporation, who executed the foregoing instrument, and acknowledged to me that he executed the same.

QUITCLAIM DEED/1

A circular notary seal for Mary C. Cort, a Notary Public in the State of Idaho. The seal features the text "MARY CORT" at the top, "NOTARY" in the center, "PUBLIC" below it, and "STATE OF IDAHO" at the bottom. There are three small dots between "NOTARY" and "PUBLIC". The seal is stamped in black ink on a light-colored background.

Residing at: Halley, ID

QUITCLAIM DEED/2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81494

This is to certify that: CITY OF HAILEY
115 S MAIN ST #H
HAILEY, ID 83333
AND
HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 4515
HAILEY, ID 83333

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-22019	WR/DECREE	3/29/1961	9.370 cfs	1701.0 af	N/A	486.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

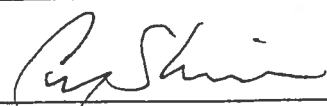
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22019	YES	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-22019	37-23031	0.360 cfs	65.8 af	N/A	18.8	37-22019	9.010 cfs	1635.2 af	N/A	467.2
COMBINED TOTALS		0.360 cfs	65.8 af	N/A	18.8		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 31st day of October, 2017.


Southern Region Manager

WATER RIGHT NO. 37-22019

As Modified by Transfer No. 81494

In accordance with the approval of Transfer No. 81494, Water Right No. 37-22019 is now described as follows:

Right Holder: CITY OF HAILEY
115 S MAIN ST #H
HAILEY, ID 83333
AND
HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 4515
HAILEY, ID 83333

Priority Date: 3/29/1961

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

9.010 cfs

9.010 cfs

Diversion Volume

1635.2 af

1635.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESW

Sec 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10											1.0	8.5			30.0		39.5
02N	18E	14										14.0	26.8						40.8
02N	18E	15		38.7	34.9	20.7	28.0			4.0					37.7	11.0		22.9	197.9
02N	18E	22	1.0																1.0
02N	18E	23					32.4	32.3	4.0	35.3	11.0					34.0	23.0	16.0	188.0

POU Total Acres: 467.2

CONDITIONS OF APPROVAL

1. Use of this right is combined with water from Hiawatha Canal.
2. This right is licensed right 37-2659.
3. Pursuant to Section 42-1412(6), Idaho Code, 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.

WATER RIGHT NO. 37-23031**As Modified by Transfer No. 81494**

In accordance with the approval of Transfer No. 81494, Water Right No. 37-23031 is now described as follows:

Right Holder: CITY OF HAILEY
115 S MAIN ST #H
HAILEY, ID 83333
And
HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 4515
HAILEY, ID 83333

Priority Date: 3/29/1961

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/15 **to** 10/31

Diversion Rate
0.360 cfs
0.360 cfs

Diversion Volume
65.8 af
65.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10											3.7	10.6	4.5				18.8

POU Total Acres: 18.8

CONDITIONS OF APPROVAL

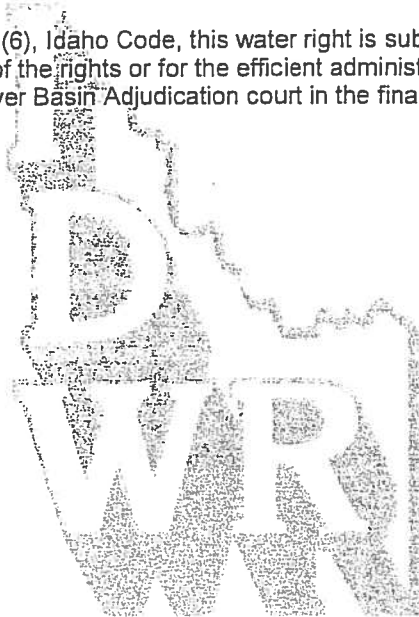
1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. This right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 37-23031

As Modified by Transfer No. 81494

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, 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.



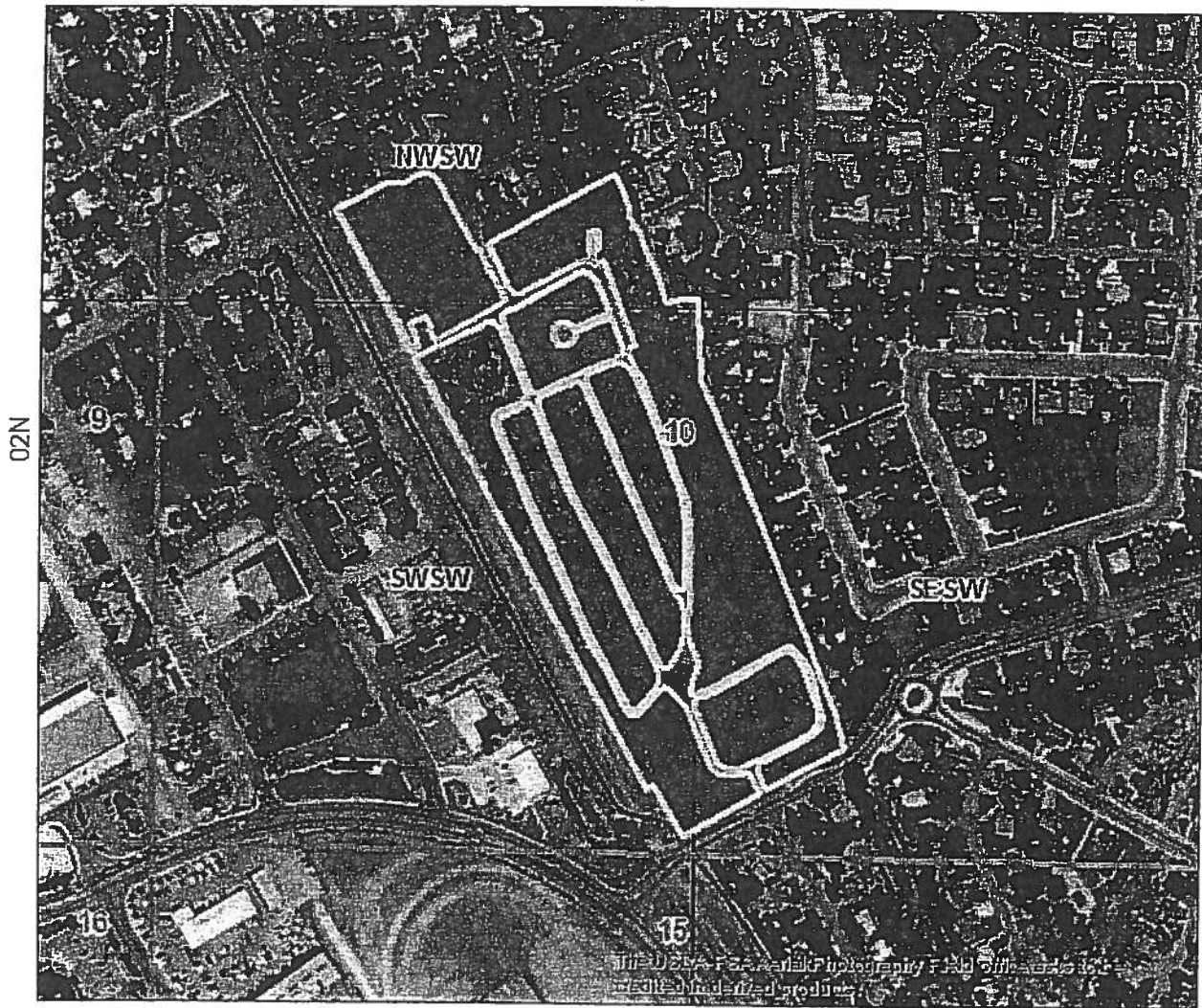
State of Idaho
Department of Water Resources

Attachment to Transfer # 81494

37-23031

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

18E



0 0.05 0.1 0.2 Miles

● Point of Diversion

Place Of Use Boundary

□ Townships

□ PLS Sections



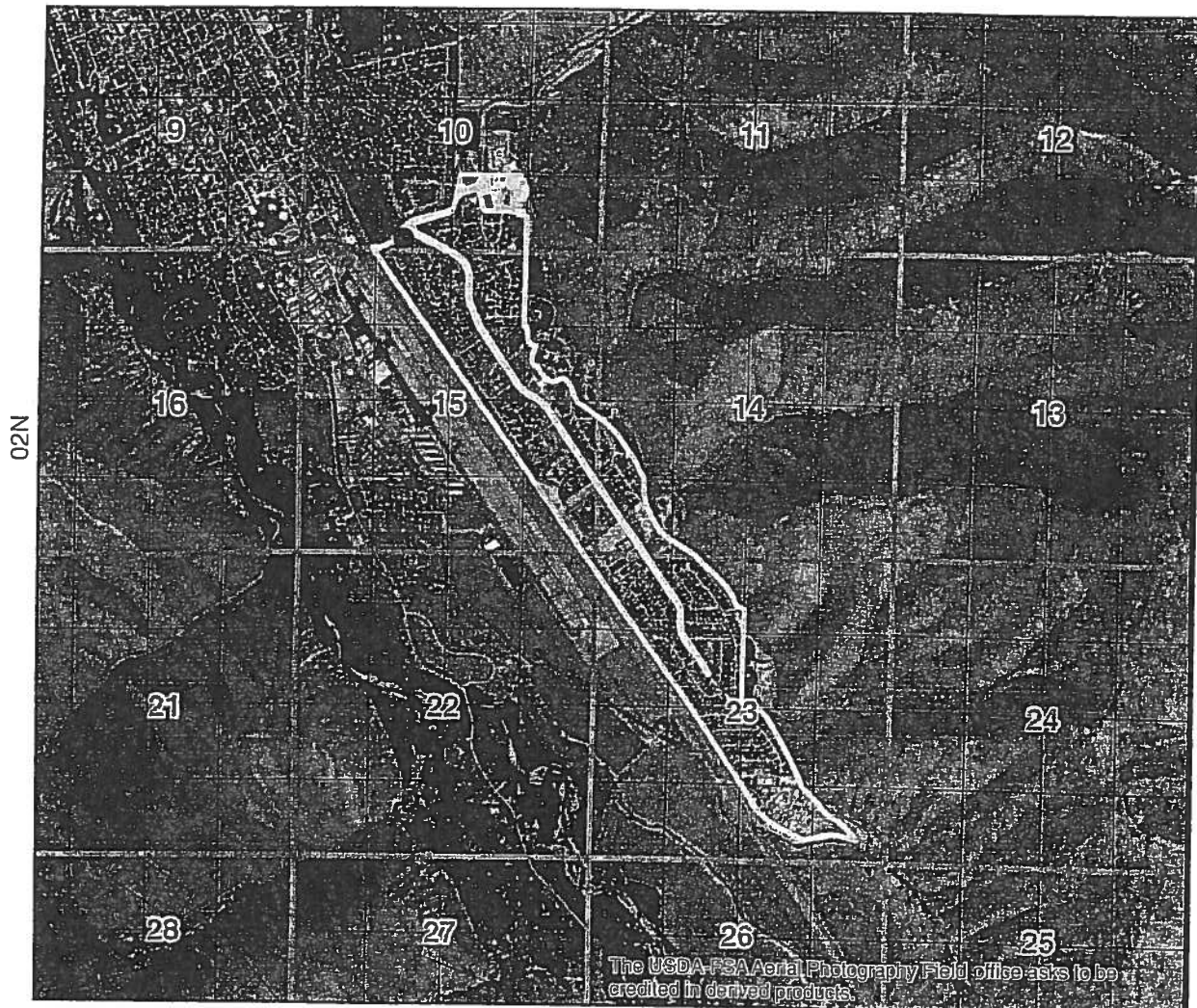
State of Idaho
Department of Water Resources

Attachment to Transfer # 81494

37-22019

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

18E



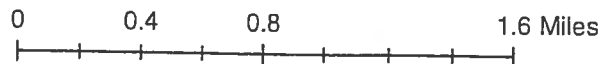
Point of Diversion

Place Of Use Boundary



Townships

PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

January 30, 2018

CITY OF HAILEY
115 S MAIN ST # H
HAILEY ID 83333-8408

Re: Change in Ownership for Water Right No(s): 37-22019

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 of the owner of a water right, to the Department. Notice of the change must be provided to the Department within **120 days** of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

Additionally, because the water right was split in the recent transfer process, the fee for the ownership change is only \$25.00, and not the \$100.00 which was submitted with the change of ownership documents. A refund of the extra \$75.00 will be initiated with the IDWR State office.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent
Southern Region

Enclosure(s)

Bitzenburg, James

From: Bitzenburg, James
Sent: Tuesday, January 30, 2018 2:31 PM
To: Marston, Sascha
Subject: Refund of overpayment of fees

Sascha-

I just processed an Ownership Change for the City of Hailey in which they paid \$100.00, when the actual fee was only \$25.00. Could you issue a \$75.00 refund to the City of Hailey for the overpayment? The receipt number is S036549 dated 1/29/2018, check #42939. The address for the City of Hailey is:

**CITY OF HAILEY
115 S MAIN ST # H
HAILEY ID 83333-8408**

Let me know if you need anything more and thank you for your help.

Jim

**Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov**