

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 07 2017

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-161G	Yes ☒	Yes ☐	SPLIT 63-34433	Yes ☐	Yes ☐
63-8775	Yes ☒	Yes ☐	43-34434	Yes ☐	Yes ☐
63-26699	Yes ☒	Yes ☐	63-34435	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Vinson Farms, Brad and Lou Ann Janicek

Name of current water right holder/claimant

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

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

33 E. Broadway

Meridian

ID

83642

Mailing address

City

State

ZIP

(208) 888-4433

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: 2006

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.

SUPPORT DATA

IN FILE # 63-161G

- ☐ 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] Title, if applicable: WATER SUPERINTENDENT Date: 6-19-2017

Signature of new owner/claimant

Title, if applicable

Date

- Signature: _____ Title, if applicable: _____ Date: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by VC Date 7/7/17 Receipt No. C103812 Receipt Amt. \$200

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 SR Date 8-30-17

RD661302 ST/LSO

ADA COUNTY RECORDER J. DAVID NAVARRO
 BOISE IDAHO 12/21/06 04:23 PM
 DEPUTY Bonnie Oberbillig
 RECORDED - REQUEST OF
 Title One

AMOUNT 15.00 5



106197606

**DEED OF GIFT
 (Bainbridge Park)**

THIS DEED OF GIFT made this 21st day of December, 2006, between BRIGHTON INVESTMENTS, LLC, an Idaho limited liability company ("Grantor") and the City of Meridian ("City"), whose current address is 33 E. Idaho, Meridian, Idaho 83642 ("Grantee").

WITNESSETH:

Section 1. Conveyance.

AS A GIFT to Grantee, Grantor does hereby grant and convey to Grantee all of the real property located in the County of Ada, State of Idaho, described on "Exhibit A" attached hereto and made a part hereof (the "Property").

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This conveyance by Grantor to Grantee is made subject to the following exceptions:

1. All taxes and assessments levied and assessed against the Property, including liens and assessments of any irrigation district ("Taxes"), for the year 2006 and thereafter. All Taxes for the current year shall be prorated between Grantor and Grantee as of the date of this Deed of Gift. Taxes levied and assessed for the prior year shall be paid by Grantor.

2. Easements and rights-of-way for roads, ditches, tunnels, utilities and other purposes and uses, which easements and rights-of-way are of record or visible upon a physical inspection of the Property.

3. Exceptions, reservations, terms, covenants and conditions of record.

Section 2. Conditions of Conveyance.

TO HAVE AND TO HOLD the Property unto Grantee subject to the following express conditions and covenants which are accepted and agreed to by Grantee as evidenced by Grantee's execution of this Deed of Gift (collectively, "Grantee Covenants"):

A. Park Facilities. The City covenants and agrees to use the Property to provide community open space and recreation facilities for citizens of the City of Meridian, including but not limited to parking lots, sidewalks, walking paths, playground equipment, picnic facilities, tennis courts and restrooms ("Park Facilities"). The City, in its discretion, shall determine when the Park Facilities are constructed. The Park Facilities shall at all times be owned, operated and maintained by the City.

B. Prohibitions on Use. Without the prior written consent of Grantor, which consent may be withheld in the sole and exclusive discretion of Grantor, at no time and under no circumstances shall the Property, or any portion thereof, or the Park Facilities to be constructed thereon, be utilized for (i) residential, commercial, industrial or other purposes which are inconsistent with the use of the Property as a public park; or (ii) any use which is inconsistent with the use of the Property pursuant to the duly adopted, written policies of Grantee.

C. Restriction of Transfer. The Property shall not, in whole or in part, be transferred or conveyed by Grantee.

D. Name of Park. Without the prior written consent of Grantor, which consent may be withheld the sole and exclusive discretion of Grantor, the Park to be constructed on the Property shall be referred to as the "Bainbridge Park".

Section 3. Term of Grantee Covenants - Succession.

The term of the Grantee Covenants shall commence on the date recordation of this Deed of Gift and continue thereafter for a period of thirty (30) years following the date of recordation of this Deed of Gift ("Covenant Term"). From and after the expiration of the Covenant Term, the Grantee Covenants shall automatically terminate and end and shall be of no further force or effect.

The Grantee Covenants shall be a burden on the Property for the benefit the Grantor, its successors and assigns, and shall run with the land.

Section 4. Acceptance.

By its acceptance below, Grantee shall be deemed to have accepted and agreed to comply with the Grantee Covenants set forth in this Deed of Gift.

BRIGHTON INVESTMENTS, LLC, an Idaho
limited liability company

By: David W. Turnbull
David W. Turnbull
Member

State of Idaho)
) ss.
County of Ada)

On this 13th day of December, 2006, before me, a Notary Public in and for said State, personally appeared David W. Turnbull, known or identified to me to be the Managing Member of Brighton Investments, LLC, an Idaho limited liability company, the member who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me he executed the same in said limited liability company name.

Ruth Nyquist
Notary Public for Idaho
Residing at Beisel
My Commission expires 4-15-11

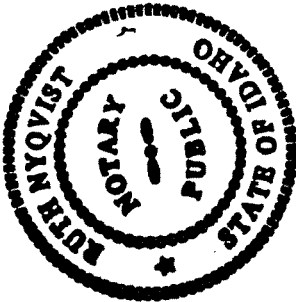


Exhibit A
Legal Description

Engineering NorthWest, LLC

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 02-043-01

Date: August 31, 2006

**BAINBRIDGE SUBDIVISION
7.5 ACRE PARK PARCEL DESCRIPTION**

A parcel of land located in the NE 1/4 of Section 27, T. 4 N., R. 1 W., B.M., Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at the section corner common to Sections 22, 23, 26 and 27 of said T. 4 N., R. 1 W.;

Thence North 89°17'35" West, 2647.29 feet on the section line common to said Sections 22 and 27 to the 1/4 section corner common to said Sections 22 and 27;

Thence leaving said section line, South 25°12'23" East, 1355.33 feet to the **REAL POINT OF BEGINNING**;

Thence North 74°50'00" East, 80.93 feet to a point of curve;

Thence 228.27 feet on the arc of a curve to the right, said curve having a radius of 1040.00 feet, a central angle of 12°34'33" and a chord distance of 227.81 feet which bears North 81°07'17" East to a point of compound curve;

Thence 278.43 feet on the arc of a curve to the right, said curve having a radius of 1351.37 feet, a central angle of 11°48'17" and a chord distance of 277.93 feet which bears South 88°01'11" East;

Thence South 00°38'54" West, 552.22 feet;

Thence North 89°21'06" West, 253.00 feet;

Thence South 00°38'54" West, 121.41 feet to a point on a curve;

Thence 74.41 feet on the arc of a curve to the left, said curve having a radius of 5155.83 feet, a central angle of 00°49'37" and a chord distance of 74.40 feet which bears North 89°56'34" West;

Thence North 00°38'54" East, 122.18 feet;

Thence North 89°21'06" West, 253.00 feet;

Thence North 00°38'54" East, 498.92 feet to the real point of beginning. Said parcel contains 7.50 acres more or less.



PREPARED BY:
Engineering NorthWest, LLC

James R. Washburn, PLS

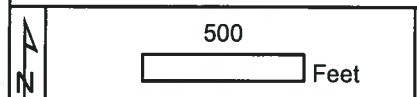
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Bainbridge 7.5 Acre Park Parcel Desc.doc



- Park Site
- 63-161G Place of Use
- 63-26699 Place of Use
- 63-8775 Place of Use

**Water Right Change in Ownership
City of Meridian Park Site**





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 14, 2017

CITY OF MERIDIAN
33 E BROADWAY
MERIDIAN ID 83642

RE: Change in Ownership of Water Right Nos. 63-161G, 63-8775, & 63-26699

Dear Interested Party:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change.

- **Legal Description of Property** – Exhibit A was not included with the deed recorded as instrument number 106197606 (park site)

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. You may send the document by fax to the number listed above or email: Emalee.Rushing@idwr.idaho.gov. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Please feel free to contact the Department if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Emalee Rushing".

Emalee Rushing
Administrative Assistant

From: [Roxanne Brown](#)
To: [Rushing, Emalee](#)
Cc: [Mike Barton](#)
Subject: Change in Ownership - Water Right Nos. 63-161G, 63-8775, 63-26699
Date: Tuesday, August 22, 2017 4:02:11 PM
Attachments: [Deed of Gift - rec 12-21-06 \(106197606\) 5.pdf](#)
[20170818090412077.pdf](#)

Emalee –

It came to our attention that you are missing a copy of Exhibit A (an attachment to Ada County recorded Instrument No. 106197606). I have attached a copy of your letter to the City of Meridian requesting the exhibit.

Please accept the attached copy of Exhibit A and incorporate the legal description of the property into the City of Meridian's ownership change for the captioned water rights.

Please contact me if you have any questions.

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | **f.** 208.383.4156 | **d.** 208.489.2136

e. rbrown@spfwater.com | **c.** 208.859.8428



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 14, 2017

CITY OF MERIDIAN
33 E BROADWAY AVE STE 200
MERIDIAN ID 83642

RE: Notice of Change in Water Right Ownership

Dear Water Right Holder:

The Department of Water Resources has processed your notice of change in ownership. Your portion of water right 63-161G is 63-34433, 63-8775 is 63-34434, and 63-26699 is 63-34435. I've enclosed copies of the water right reports for your records.

Your portion of these water rights has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Emalee Rushing
Administrative Assistant

Enclosures

Cc: SPF Water Engineering
Vinson Farms
Brad & Lou Ann Janicek
Water District 63