

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 21 2016

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?
25-14432 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
25-14433 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Idaho Water Co. LLC

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Township Park Estates Water Association, Inc.

New owner(s) as listed on the conveyance document

Name connector

☐ and

☐ or

☐ and/or

c/o Brad Hendrickson, 5394 Mauna Lani Lane

Idaho Falls

ID

83404

Mailing address

City

State

ZIP

208-351-7321

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 6, 2016

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: *Edmund L. Jamies*
Signature of new owner/claimant

Attorney
Title, if applicable

April 18, 2016
Date

Signature: _____
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by *JB* Date 4/21/2016

Receipt No. E042031

Receipt Amt. \$50.-

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 *JB*

Processed by *JB*

Date 4/22/2016

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405

Instrument # 1521477
IDAHO FALLS, BONNEVILLE, IDAHO
4-8-2016 09:03:41 AM No. of Pages: 6
Recorded for: HOLDEN KIDWELL
RONALD LONGMORE Fee: 25.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY



(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Idaho Water Company LLC, an Idaho limited liability company, whose address is 1135 Valley Road South, Eden, Idaho 83325, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto the **Township Park Estates Water Association, Inc.**, an Idaho corporation, whose address is c/o Brad Hendrickson, 5394 Mauna Lani Lane, Idaho Falls, ID 83404 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in the Water Rights or portions thereof described in **Exhibit A** hereto (collectively the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

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

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

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 5th day of April, 2016.

IDAHO WATER COMPANY, LLC

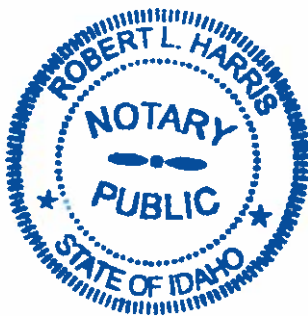
By: 

Delbert G. Kohtz, Member

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 5th day of April, 2016, before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

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



Robert L. Harris
NOTARY PUBLIC FOR IDAHO
Residing at: Ammon, Idaho
My commission expires: 11/18/2016

EXHIBIT A
WATER RIGHTS DESCRIPTION (WATER RIGHT NOS. 25-14432 AND 25-14433)

Page 7 of 16

WATER RIGHT NO. 25-14432

As Modified by Transfer No. 80690

In accordance with the approval of Transfer No. 80690, Water Right No. 25-14432 is now described as follows:

Right Holder: IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN, ID 83325

Priority Date: 1/27/1976

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
01/01

To
10/31

Diversion Rate
0.040 cfs
0.040 cfs

Diversion Volume
7.4 af
7.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SENNW) Sec 6 Twp 01N Rge 38E BONNEVILLE County
GROUND WATER L4 (SENNW) Sec 6 Twp 01N Rge 38E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				N				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	6					4.8	21.7	3.2														31.8

Right Acre Limit: 2.1
POU Total Acres: 31.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.1 acres within the authorized place of use in a single irrigation season.
2. Rights 25-14432 and 25-14433 when combined shall not exceed a total diversion rate of 0.04 cfs and the irrigation of 3.0 acres.
3. Rights 25-14410, 25-14411, 25-14432, 25-14433 and the irrigation portion of right 25-7583 when combined shall not exceed a total diversion rate of 0.46 cfs and the irrigation of 24.9 acres.
4. Use of water under this right will 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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 80690

WATER RIGHT NO. 25-14432
As Modified by Transfer No. 80690

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 80690, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of 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. 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. 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.
9. Right No. 25-14433 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(d), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights of future efficient allocation of water rights as may be determined by the Snake River Basin adjudication court at a hearing held on or before the entry of the final unified decree.

Transfer No. 80690

WATER RIGHT NO. 25-14433

As Modified by Transfer No. 80690

In accordance with the approval of Transfer No. 80690, Water Right No. 25-14433 is now described as follows:

Right Holder: IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN, ID 83325

Priority Date: 10/31/1986

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From	To	Diversion Rate	Diversion Volume
	to 10/31	0.010 cfs	3.1 af
		0.010 cfs	3.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SENNW) Sec 6, Twp 01N Rge 38E BONNEVILLE County
GROUND WATER L4 (SENNW) Sec 6, Twp 01N Rge 38E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				SE				SW				NW				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	6					4.8		21.7	3.5									31.8

Right Acre Limit: 0.9
POU Total Acres: 31.8

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 0.9 acres within the place of use described for this right.
2. Rights 25-14432 and 25-14433 when combined shall not exceed a total diversion rate of 0.04 cfs and the irrigation of 3.0 acres.
3. Rights 25-14410, 25-14411, 25-14432, 25-14433 and the irrigation portion of right 25-7583 when combined shall not exceed a total diversion rate of 0.46 cfs and the irrigation of 24.9 acres.
4. Use of water under this right will 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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 80690

WATER RIGHT NO. 25-14433
As Modified by Transfer No. 80690

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 80690, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of 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. 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. 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.
9. This right is based upon an assignment of Right No. 25-14432 pursuant to Section 42-1426, Idaho Code.
10. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 80690



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 22, 2016

Township Park Estates Water Association Inc
c/o Brad Hendrickson
5394 Mauna Lani Ln
Idaho Falls ID 83404

RE: Change of Ownership for Water Right No(s). 25-14432 & 25-14433

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

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.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

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

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Water District 120
Holden Kidwell Hahn & Crapo



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

RECEIVED
APR 21 2016

Department of Water Resources
Eastern Region

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

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

Email: rharris@holdenlegal.com

April 18, 2016

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

**RE: Notice of Change of Water Right Ownership for Water Right Nos. 25-14432
and 25-14433.**

Dear Jonie:

Enclosed for processing is a *Notice of Change of Water Right Ownership* for the above-referenced water rights. We have included a copy of the Special Warranty Deed for Water Rights conveying the above water rights from Idaho Water Company LLC to Township Park Estates Water Association, Inc. We have also included the \$50.00 filing fee. If you have any questions or concerns, please let me know.

Best Regards,

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

Enclosures

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