

MEMORANDUM

DATE: March 16, 2015

By: Jonie Barg

RE: Change of Ownership 34-439A, 34-10716, 34-12404, 34-2216, 34-10718, 34-10719, 34-10720, 34-10721, 34-10722, 34-10723, 34-10724, 34-10725, 34-10726, 34-10727, 34-10728, 34-14044, 34-13836, 34-10717

****On November 26, 2014 the department received two ownership changes for Mountain Springs Ranch LLC for the water right listed above. ****

- I. The first application had the following water rights with a fee of \$400.00 16 water rights \$25.00 per water right non split: 34-439A, 34-10716, 34-12404, 34-2216, 34-10718, 34-10719, 34-10720, 34-10721, 34-10722, 34-10723, 34-10724, 34-10725, 34-10726, 34-10727, 34-10728 & 34-10717
 - a. 14 of those water rights were updated and an acknowledgement letter was mailed on December 30, 2014.
- II. The 2nd Application included water rights: 34-14044, 34-13836 along with the fee of \$125.00, one split ownership change one non split.
 - a. The two water rights that could not be complete on the previous application were added to the "2nd" application along \$50.00, \$25.00 per water right for a non split ownership change.
 - b. On December 30, 2014 the department sent a deficiency letter requesting additional information for the "2nd" ownership change.
 - c. January 12, 2015 the department received the additional evidence of ownership.
 - d. Water right number 34-14044 is ok to data enter split required. Water right 34-13836 is not appurtenant to the applicants ground and will not be complete (\$25.00 refund required). The other two water rights 34-10717 and 34-439A added from the 1st application are both ok to data enter. After talking with an agent it is agreed that 34-10717 will not be split.

When the department received the response for the additional evidence of ownership for the 2nd application, the applicant contacted the department with questions regarding an acknowledgement letter for several of the same water rights back in December 1999.

On December 15, 1999 the department acknowledged receipt of an ownership change and indicated the ownership change had been complete. I checked the back file and found that the ownership change that had been submitted and the acknowledgment letter. I could not find any reason the ownership change had not been complete. Because the department should have completed the ownership change in 1999, no filing fee should have been required.

The applicant is entitled to refund for the following water rights covered by receipt number E040449: 34-10716, 34-12404, 34-2216, 34-10718, 34-10719, 34-10720, 34-10721, 34-10722, 34-10723, 34-10724, 34-10725, 34-10726, 34-10727, 34-10728 & 34-10717 (water right 34-439A was NOT included on the original application)

(15 X 25 = 375)

The applicant is entitled to a refund of \$25.00 for receipt number E040450 for water right 34-13836 which is not appurtenant to the applicant's property. The other water right 34-144044 is ok to data enter and will require a split of the water right.

(1 X 25 = 25)

Total refund for receipt number E040449 and E040450 will be \$400.00.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

Acknowledgement 1999
Ownership
change

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 15, 1999

RE: Water Right Nos. 34-02104, 34-02216, 34-07504, 34-10716, 34-10717, 34-10718, 34-10719, 34-10720, 34-10721, 34-10722, 34-10723, 34-10724, 34-10725, 34-10726, 34-10727, 34-10728 and 34-12404

MOUNTAIN SPRINGS RANCH LLC
C/O MARY JAFFE
11100 NW SALTZMAN RD.
PORTLAND, OR 97229

Highlighted water rights were
not complete & filed for
again in 2014.

Dear Ms. Jaffe:

The Department acknowledges receipt of the Notice of Change of Water Right Ownership form changing ownership of the above referenced water rights to you. The Department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Please be advised that we have modified our records for Rt. 34-02104 to show you as new owners. However, that license has not been claimed in the Snake River Basin Adjudication (SRBA). If no claim is filed in the SRBA the right may be lost. All existing water uses were to be claimed in the SRBA if they were still valid. If you think a claim should have been filed for this right, please contact our Adjudication Bureau for assistance.

We also have not changed the ownership of Application for Permit No. 34-07504. The application must have an "Assignment of Application for Permit" form submitted to our regional office in Idaho Falls. I have enclosed the form for your convenience. Please complete the form and return it to our regional office.

Please note that as of July 1, 1996, 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. Change reporting forms are available from any office of the Department.

If you have any questions in regard to your water rights, please feel free to contact our office.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures

Cc: IDWR, Eastern Region

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

1999 Ownership Change
water allocation
water rights

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

34-02104, 34-02216, 34-07504, 34-10716, 34-10717, 34-10718, 34-10719, 34-10720, 34-10721, 34-10722, 34-10723, 34-10724, 34-10725, 34-10726, 34-10727, 34-10728, 34-12404

1. Water Right Number(s) 34-02104, 34-02216, 34-07504, 34-10716, 34-10717, 34-10718, 34-10719, 34-10720, 34-10721, 34-10722, 34-10723, 34-10724, 34-10725, 34-10726, 34-10727, 34-10728, 34-12404
Together with all other rights appurtenant to the property described on the
Adjudication Claim Number(s) attached Warranty Deed

2. The following REQUIRED information must be submitted with this form.

CC: Adj. 12-1-99

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) SMITH RANCHES, INC.

Route 1 Box 63, Darlington, Idaho 83255

4. New Owner/Claimant(s) MOUNTAIN SPRINGS RANCH LLC

Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR

New Mailing Address c/o Mary Jaffe, 11100 NW Saltzman Rd

City, State and ZIP Code Portland OR 97229

New Telephone Number (503) 296 - 0536

5. Date you acquired the property 11-8-99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) MOUNTAIN SPRINGS RANCH LLC, an Idaho Limited Liability Company Date _____

X Mary H. Jaffe
by Mary H. Jaffe, Manager

Date 11/9/99

- (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Please see file 34-02104 for support documentation
Kef

2014 Ownership change

RECEIVED

NOV 26 2014

Department of Water Resources
Eastern Region

Form 42-248/42-1409(6) Rev. 08/14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

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?
34-439A	Yes ☐	Yes ☐	34-10719 OK	Yes ☐	Yes ☐
34-10716 OK	Yes ☐	Yes ☐	34-10720 OK	Yes ☐	Yes ☐
34-12404 OK	Yes ☐	Yes ☐	34-10721 OK	Yes ☐	Yes ☐
34-2216 OK	Yes ☐	Yes ☐	34-10722 OK	Yes ☐	Yes ☐
34-10718 OK	Yes ☐	Yes ☐	34-10723 OK	Yes ☐	Yes ☐

2. Previous Owner's Name: Smith Ranches
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Mountain Springs Ranch
New owner(s) as listed on the conveyance document

5550 Barton Flat Road Macey Id. 83251
Mailing address City State ZIP

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: _____

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: Shane Lawrence Manager Mountain Spring Ranch 10-30-14
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by JB Date 11/26/2014 Receipt No. E040449 Receipt Amt. \$400.-

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 12/30/2014

MOVED TO APP IN THE SAME AREA
ALL OTHER WR ON THIS APP
OK TO DATAENTER

SUPPORT DATA

FILE # 34-2216

\$350.- for this app



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

Acknowledgement 2014
ownership
change

December 30, 2014

C.L. "BUTCH" OTTER
Governor

Mountain Springs Ranch
5550 Barton Flat Rd
Mackay ID 83251

GARY SPACKMAN
Director

Highlighted water rights
should have been complete
with previous (1999) ownership change.

RE: Change of Ownership for Water Right No(s). 34-10716, 34-12404, 34-2216, 34-10718, 34-10719, 34-10720, 34-10721, 34-10722 & 34-10723, 34-10724, 34-10725, 34-10726, 34-10727 & 34-10728

Also 34-10717

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 34