

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 26 2014

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?
61-2188	Yes ☐	Yes ☒		Yes ☐	Yes ☐
61-7151	Yes ☐	Yes ☒		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Jay B. Brown
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): City of Mountain Home, Idaho
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- P.O. Box 10 Mountain Home ID 83647
Mailing address City State ZIP
(208) 587-2104 NPatterson@mountain-home.us
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: Nov. 20, 2014

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] Mayor 12/23/2014
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 dy Date 12/26/14 Receipt No. 0099771 Receipt Amt. \$50.00

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 City of Mountain Home Approved by _____ Processed by [Signature] Date 12-29-14

Instrument # 445247 # Pages: 7
ELMORE COUNTY, Idaho
Dec 16, 2014 2:48:05 pm Fee: \$ 28.00
For: HALL, FRIEDLY & WARD
BARBARA STEELE, Recorder
DELLIS, Deputy

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DEPARTMENT OF
WATER RESOURCES

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Jay B. Brown and Christine M. Hopson-Brown, husband and wife, whose address is 595 E. 13th N., Mountain Home, Idaho 83647, ("Grantors") do hereby grant, bargain, sell, assign and convey unto the City of Mountain Home, an Idaho municipal corporation, whose address is P.O. Box 10, Mountain Home, Idaho 83647 ("Grantee") and to Grantee's successors and assigns forever, all of Grantors' right title and interest in the water rights described in Exhibit A hereto (collectively the "Water Rights").

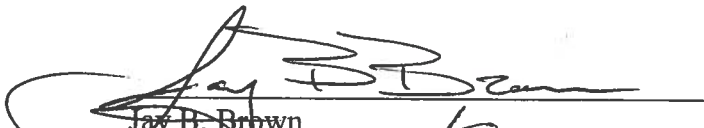
Grantors hereby covenant and warrant to Grantee as follows:

- (A) Grantors are the owners of the Water Rights;
- (B) Grantors have not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances;
- (D) Grantors have the authority to convey the Water Rights to Grantee; and
- (E) Grantors will defend the same from all lawful claims whatsoever.

Grantors make no other covenants or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed.

DATED this 20th day of November, 2014.


Jay B. Brown

Christine M. Hopson-Brown

STATE OF IDAHO)

) ss.

County of Elmore)

On this 20th day of November, 2014 before me the undersigned Notary Public in and for said state, personally appeared JAY B. BROWN and CHRISTINE M. HOPSON-BROWN, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

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



Jay R. Friedly
NOTARY PUBLIC FOR IDAHO
Residing at: MT. Home, ID
My commission expires: 5-23-2015

EXHIBIT A

WATER RIGHT NO. 61-2188

As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2188 is now described as follows:

Right Holder: JAY B BROWN
595 E 13TH N
MOUNTAIN HOME, ID 83647

Priority Date: 2/17/1966

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

03/15

To

to 11/15

Diversion Rate

2.660 cfs

2.660 cfs

Diversion Volume

593.7 af

593.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 5 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

5. 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.
6. Municipal use is limited to municipal type irrigation of 133.2 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2188 and 61-7151 when combined shall not exceed a total diversion rate of 2.66 cfs for the municipal type irrigation of 233.2 acres.
8. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
9. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
10. 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 municipal type irrigation within the place of use.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. The diversion and use of water described in this right per Transfer 78273 is subject to additional conditions and limitations agreed to by the City of Mountain Home and Jay Brown stipulated in the "Acknowledgement and Agreement" signed 7/29/14.
15. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
17. This right does not grant any right-of-way or easement across the land of another.
18. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

WATER RIGHT NO. 61-7151

As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7151 is now described as follows:

Right Holder: JAY B BROWN
595 E 13TH N
MOUNTAIN HOME, ID 83647

Priority Date: 4/9/1973

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

04/01

To

to 10/31

Diversion Rate

1.140 cfs

1.140 cfs

Diversion Volume

400.0 af

400.0 af

LOCATION OF POINT(S) OF DIVERSION

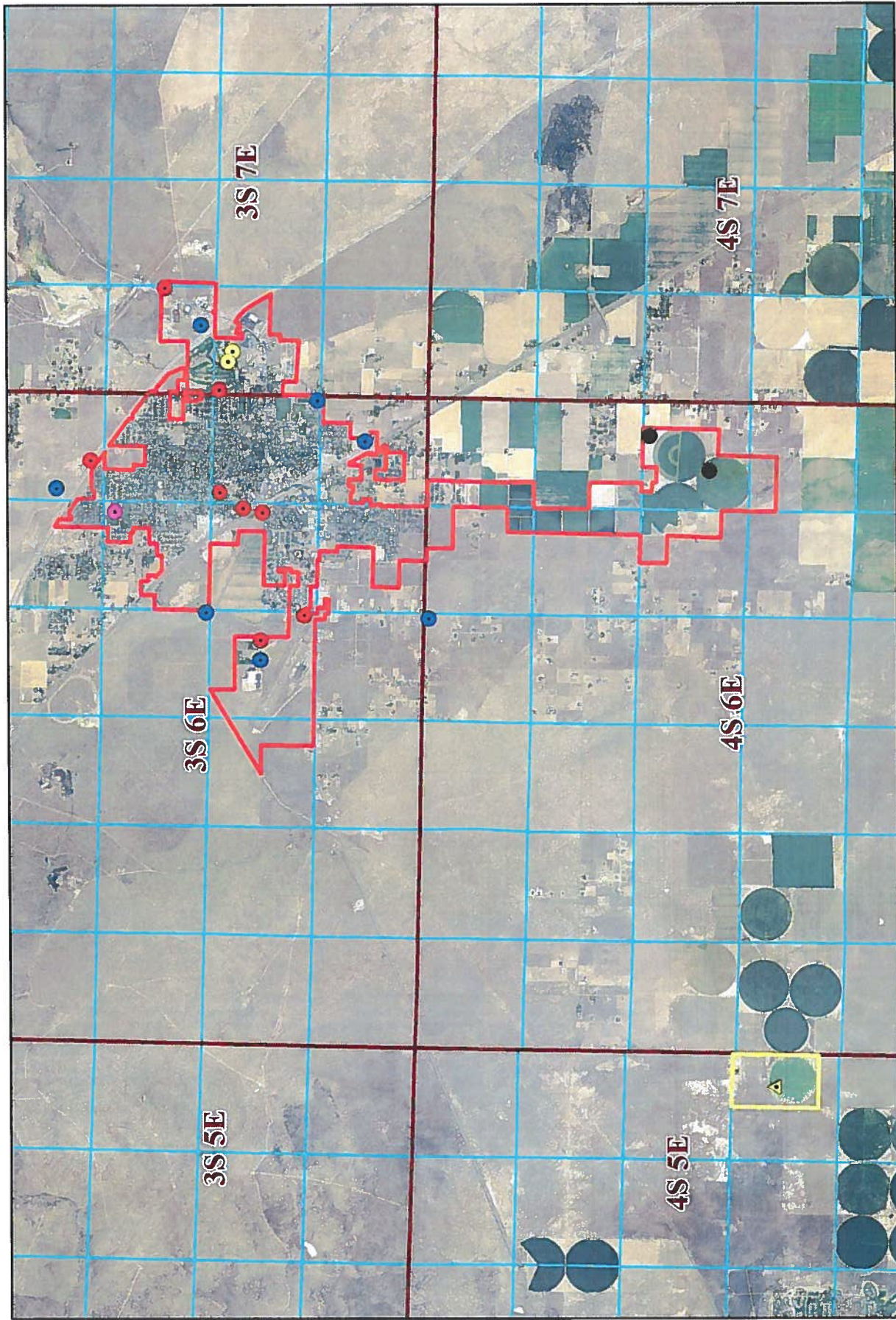
GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

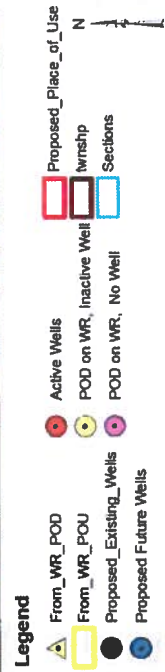
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Municipal use is limited to municipal type irrigation of 100.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2188 and 61-7151 when combined shall not exceed a total diversion rate of 2.66 cfs for the municipal type irrigation of 238.2 acres.
8. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
9. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
10. 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 municipal type irrigation within the place of use.
11. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
12. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
13. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
14. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
15. The diversion and use of water described in this right per Transfer 78273 is subject to additional conditions and limitations agreed to by the City of Mountain Home and Jay Brown stipulated in the "Acknowledgement and Agreement" signed 7/29/14.

16. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
17. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
18. This right does not grant any right-of-way or easement across the land of another.
19. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.



**CITY OF MOUNTAIN HOME
TRANSFER 2012
NAIP 2013 AERIAL PHOTO**

FIGURE #2





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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 29, 2014

CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Re: Change of Ownership for Water Right Permit No(s): 61-2188 and 61-7151

Dear Water Right Holder(s):

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

A portion of water right(s) **61-2188 and 61-7151** were leased to the Water Supply Bank (bank) on August 28, 2003. To date, part of water right 61-2188 appurtenant to 1.86 cubic feet per second (cfs), 415.2 acre feet (af) and 93.0 acres and water right 61-7151 appurtenant to 0.80 cubic feet per second (cfs), 279.4 acre feet (af) and 70.0 acres remain leased to the bank. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. These portions will remain in the bank indefinitely, unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date. Please see a copy of the lease agreement for the specific acres that are leased to the Bank. The agreement may be found at www.idwr.idaho.gov.

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 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 § 42-222 and 42-223, Idaho Code.

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, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is fluid and cursive, with the first name "Jean" and last name "Hersley" clearly distinguishable.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Givens Pursley
Hall Friedly & Ward
IDWR Western Region

HALL, FRIEDLY & WARD

A Professional Association
Attorneys at Law
340 East 2nd North
Mountain Home, Idaho 83647

Jay R. Friedly
Robert W. Ward
Brian B Peterson

Perce Hall
(1913-2007)

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DEC 26 2014

DEPARTMENT OF
WATER RESOURCES

Telephone
(208) 587-4412
Fax
(208) 587-3144
E-mail
jay@hfwlaw.com

December 23, 2014

IDWR State Office
322 East Front St., 6th Floor
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Notice of Change in Water Right Ownership
Water Rights 61-2188 and 61-7151

Dear Ladies and Gentlemen:

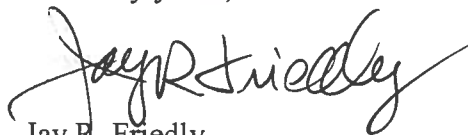
I write to you as the City Attorney for the City of Mountain Home. The City of Mountain Home has recently purchased water right numbers 61-2188 and 61-7151. I have enclosed the following documents concerning the purchase of those water rights by the City of Mountain Home.

- Notice of Change in Water Right Ownership
- Copy of the recorded Special Warranty Deed for Water Rights
- Map showing the place of use and points of diversion
- IRS form W-9 for the City of Mountain Home
- Letter from Mayor Tom Rist terminating the Notice of Security Interest that has been previously filed by the City of Mountain Home.

If you need any additional information to transfer the water right ownership, please let me know.

I am mailing these documents to the State Office rather than to the Western Region Office because the water rights are leased to the Water Supply Bank.

Sincerely yours,



Jay R. Friedly
Mountain Home City Attorney

JRF:kkb

Enclosures

CC: Wayne Shepherd, Director of Public Works
Nina Patterson, Mountain Home City Clerk
Michael Creamer



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DEC 26 2014

DEPARTMENT OF
WATER RESOURCES

City of Mountain Home

160 South 3rd East, PO Box 10, Mountain Home, ID 83647 (208)587-2104 Fax (208)587-2110

December 22, 2014

IDWR Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Water Right Numbers 61-2188 and 61-7151

Dear Ladies and Gentlemen:

I write to you as the Mayor of the City of Mountain Home, Idaho, concerning the City's purchase of Water Right Numbers 61-2188 and 61-7151. The City of Mountain Home filed a Notice of Security Interest with IDWR concerning Water Right Numbers 61-2188 and 61-7151. Now that the purchase of these two water rights by the City has been finalized, please terminate the Notice of Security Interest. If you need any additional information from the City of Mountain Home, please let us know.

Sincerely,

Tom Rist
Mayor