

RECEIVED

MAR 17 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
25-14396 OK	Yes ☐		Yes ☐		Yes ☐
25-14397 OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Idaho Water Company, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Ammon
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 2135 South Ammon Road Ammon ID 83406
Mailing address City State ZIP
(208) 612-4015
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: February 24, 2014
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.

8. Signature: *Edmund L. Jannis* Attorney March 14, 2014
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 3/17/2014 Receipt No. E0392028 Receipt Amt. \$50.-
Approved by JB Processed by JB Date 3/20/2014

SUPPORT DATA
IN FILE # 25-14396

Instrument # 1467570

IDAHO FALLS, BONNEVILLE, IDAHO

2-24-2014 03:51:22 No. of Pages: 6

Recorded for : CITY OF AMMON

RONALD LONGMORE

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

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 City of Ammon, an Idaho municipal corporation, whose address is 2135 South Ammon Road, Ammon, Idaho 83406 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title and interest in water right nos. 25-14396 and 25-14397 (formerly portions of 35-7192A and 35-9069, respectively) described in Exhibit A hereto (the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

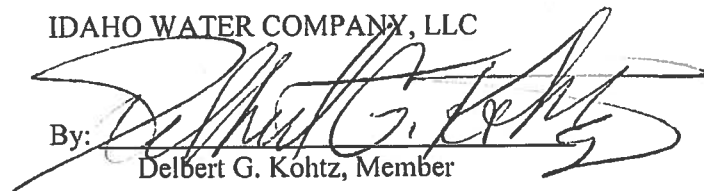
- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

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 21st day of February, 2014.

IDAHO WATER COMPANY, LLC

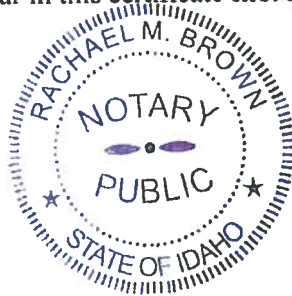
By: 

Delbert G. Kohtz, Member

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 21st day of February, 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.



Rachael M. Brown
NOTARY PUBLIC FOR IDAHO
Residing at: Idaho Falls, ID
My commission expires: 11.13.14

EXHIBIT A

Page 4 of 9

WATER RIGHT NO. 25-14396

As Modified by Transfer No. 78934

In accordance with the approval of Transfer No. 78934, Water Right No. 25-14396 is now described as follows:

Right Holder: FOSTER LAND & CATTLE
PO BOX 40
RIRIE, ID 83443

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	04/1	to 10/31	0.280 cfs	109.6 af
			0.280 cfs	109.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SEENW	Sec 25 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NWSENW	Sec 26 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSWNE	Sec 27 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NWSENW	Sec 27 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESENW	Sec 27 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NWSESE	Sec 27 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESENW	Sec 22 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESWSE	Sec 22 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNWSW	Sec 34 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESENW	Sec 30 Twp 02N Rge 39E	BONNEVILLE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Ammon 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. This right is limited to the irrigation of 27.4 acres within the authorized place of use in a single irrigation season.
4. Rights 25-14396 and 25-14397 when combined shall not exceed the irrigation of 30.3 acres.
5. Municipal use under rights 25-14396 and 25-14397 is for irrigation of 30.3 acres within the authorized place of use in a single irrigation season.
6. 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.

Transfer No. 78934

WATER RIGHT NO. 25-14396

As Modified by Transfer No. 78934

CONDITIONS OF APPROVAL

7. 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.
8. Prior to the diversion and use of water under Transfer approval 78934, 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.
9. 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.
10. The Irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
11. The combination of changes under:
Transfer approval 78934 as described under rights 25-14396 and 25-14397
Transfer approval 78935 as described under rights 28-14096 and 29-14097
Transfer approval 78936 as described under rights 21-13178 and 21-13179
Transfer approval 78937 as described under rights 45-14453 and 45-14454
Transfer approval 78938 as described under rights 25-14398 and 25-14399
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78934.
12. The approval of this transfer redefines all of the elements of this water right, and the now use of water authorized by this approval shall constitute the full extent of the right.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 78934

WATER RIGHT NO. 25-14397
As Modified by Transfer No. 78934

In accordance with the approval of Transfer No. 78934, Water Right No. 25-14397 is now described as follows:

Right Holder: FOSTER LAND & CATTLE
PO BOX 40
RIRIE, ID 83443

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	04/1	to 10/31	0.030 cfs	11.6 af
			0.030 cfs	11.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SEENW	Sec 25 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NWSENW	Sec 26 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWSWNE	Sec 27 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NWENW	Sec 27 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESENW	Sec 27 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NWSESE	Sec 27 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESENW	Sec 22 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SESWSE	Sec 22 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	SWNWSW	Sec 34 Twp 02N Rge 38E	BONNEVILLE County
GROUND WATER	NESENW	Sec 30 Twp 02N Rge 39E	BONNEVILLE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Ammon 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. This right is limited to the irrigation of 2.9 acres within the authorized place of use in a single irrigation season.
4. Rights 25-14396 and 25-14397 when combined shall not exceed the irrigation of 30.3 acres.
5. Municipal use under rights 25-14396 and 25-14397 is for irrigation of 30.3 acres within the authorized place of use in a single irrigation season.
6. 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.

Transfer No. 78934

WATER RIGHT NO. 25-14397
As Modified by Transfer No. 78934

CONDITIONS OF APPROVAL

7. 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.
8. Prior to the diversion and use of water under Transfer approval 78934, 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.
9. 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.
10. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
11. The combination of changes under:
Transfer approval 78934 as described under rights 25-14396 and 25-14397
Transfer approval 78935 as described under rights 29-14096 and 29-14097
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provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 78934.

12. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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. 78934

Microfilm No. 409139
12-19-2013
At 1:50 O'Clock P M
CHRISTINE BOULTER
Jefferson Co. Recorder
Fee \$ 16. Deputy
Recorded at Request of Idaho Water Co. LLC

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Foster Land and Cattle, an Idaho general partnership ("Grantor") does hereby grant, bargain, sell, assign, and convey unto Idaho Water Company LLC, an Idaho limited liability company registered to do business in Idaho as Idaho Water Company LLC, a/k/a Idaho Water Co. LLC, whose address is 1135 Valley Rd. So. Eden, Idaho 83325 ("Grantee") and to Grantees 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.

No land is included in or conveyed by this water rights conveyance.

IN WITNESS WHEREOF, the undersigned has caused its name to be hereunto subscribed.

DATED this 18th day of December, 2013.

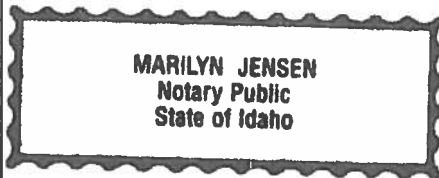
FOSTER LAND AND CATTLE

Foster Land & Cattle
By: Brod Foster
Its: partner

STATE OF IDAHO)
County of Jefferson) ss.

On this 18th day of December, 2013, before me, a Notary Public for said County and State, personally appeared Brad Foster, known or identified to me to be one of the partners of FOSTER LAND AND CATTLE, an Idaho general partnership, the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership 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.



Marilyn Jensen
NOTARY PUBLIC FOR IDAHO
Residing at: Jefferson
My commission expires: August 13, 2018

EXHIBIT A
(Water Rights Descriptions)

Water rights totaling 0.68 cubic feet per second ("cfs") and 269.2 acre-feet per annum ("afa") appurtenant to 34.2 acres in the NWNE and 33.1 acres in the NENE, all in Section 11, Township 04 North, Range 35 East, B.M., Jefferson County, Idaho, for irrigation of a total of 67.3 acres, as follows:

<u>Water Right</u>	<u>Quantity</u>	<u>Acres / Place of Use</u>
35-7192A Priority Date: 11/29/1971	0.62 cfs; 243.8 afa Source: Ground Water	60.9 acres appurtenant to the NWNE and NENE of Section 11, Township 04 North, Range 35 East, B.M., Jefferson County, Idaho.
35-9069 Priority Date: 11/29/1971	0.06 cfs; 25.4 afa Source: Ground Water	6.4 acres appurtenant to the NWNE and NENE of Section 11, Township 04 North, Range 35 East, B.M., Jefferson County, Idaho.

EXPRESSLY RESERVING UNTO GRANTOR, all remaining portions of water right nos. 35-7192A and 35-9069 and any and all portions of all other water rights that may be appurtenant to the authorized place of use for said Water Rights not expressly conveyed hereby.