

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

Notice of Change in Water Right Ownership

MAR 10 2014

Department of Water Resources

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?
29-14096	Yes ☐		Yes ☐		Yes ☐
29-14097	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

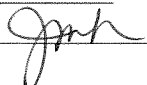
2. Previous Owner's Name: Foster Land & Cattle
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Chubbuck Public Works Department
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- | | | | |
|-----------------------|---------------------------------|-----------|-------------------|
| <u>P.O. Box 5604</u> | <u>Chubbuck</u> | <u>ID</u> | <u>83202-5604</u> |
| Mailing address | City | State | ZIP |
| <u>(208) 237-2430</u> | <u>ssmart@cityofchubbuck.us</u> | | |
| 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: 2/13/2014
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.

SUPPORT DATA

IN FILE # 29-14096

8. Signature:  Mayor 20 Feb 2014
Signature of new owner/claimant Title, if applicable Date
- Signature:  Public Works Director 20 Feb 2014
Signature of new owner/claimant Title, if applicable Date

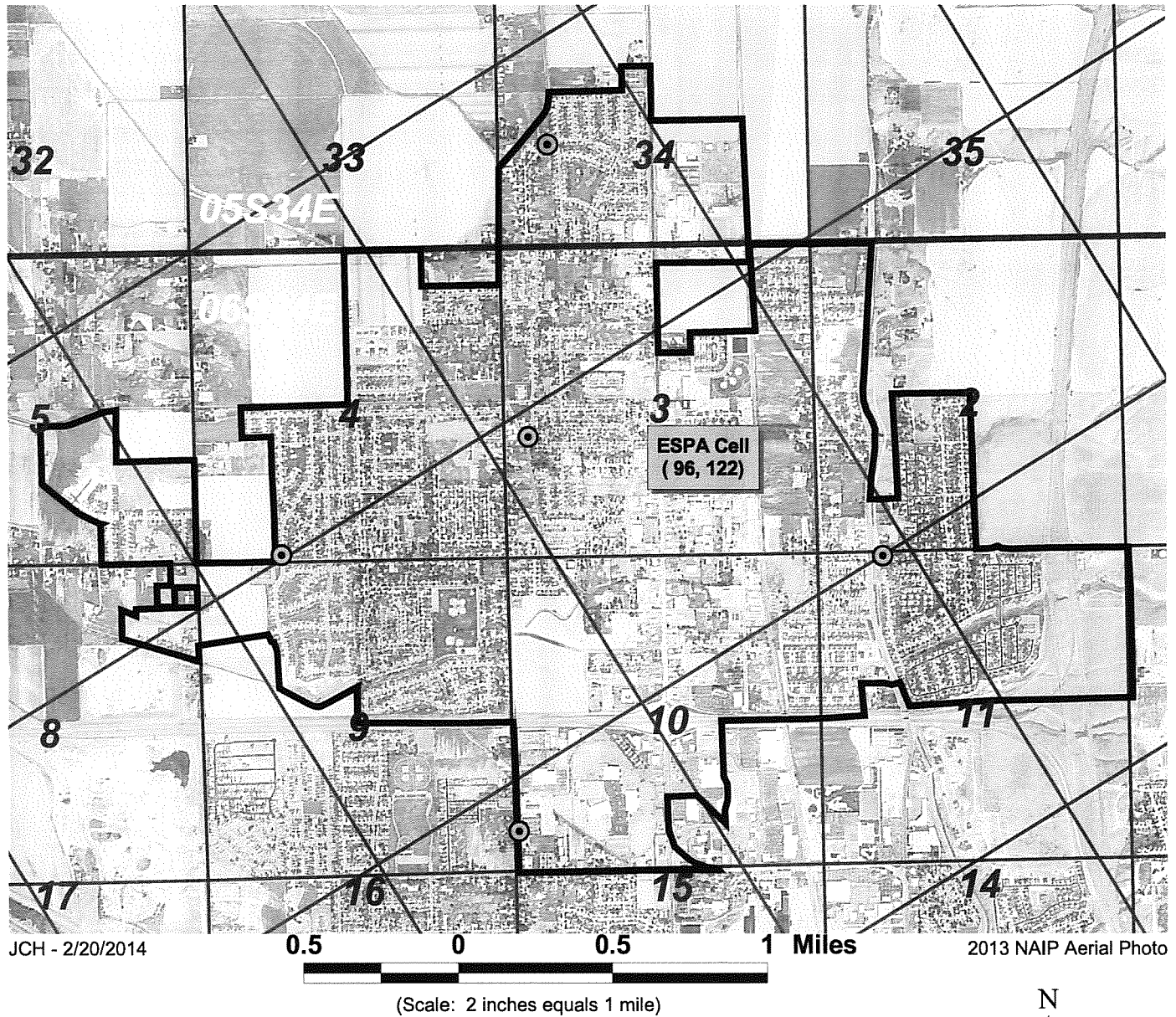
For IDWR Office Use Only:

Received by CS Date 3/10/14 Receipt No. C098449 Receipt Amt. \$50⁰⁰
Approved by _____ Processed by  Date 3-10-14

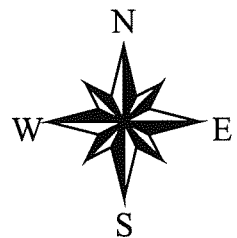
CHANGE OF OWNERSHIP & WATER SUPPLY BANK APPLICATION TO LEASE WATER RIGHT

29-14096 (Priority: 11/29/1971 : 0.21 cfs, 20.8 ac., 83.2 acre-ft per year)

29-14097 (Priority: 11/29/1971 : 0.02 cfs, 2.2 ac., 8.8 acre-ft per year)



- ESPA Model Grid
- City of Chubbuck Existing Wells
- City of Chubbuck Municipal (Irrigation) Place Of Use
- Townships
- Sections



ATTACHMENT #1

6-1

21401809

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 Chubbuck, an Idaho municipal corporation, whose address is City Hall, Chubbuck, Idaho 83201 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title and interest in water right nos. 29-14096 and 29-14097 (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:

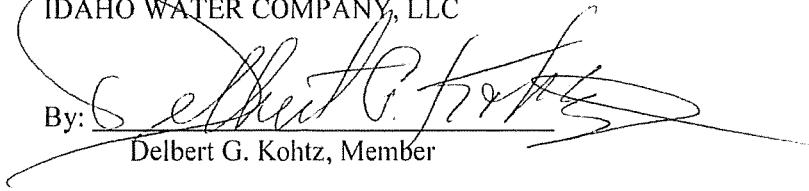
- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

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 13th day of February 2014.

IDAHO WATER COMPANY, LLC

By: 

Delbert G. Kohtz, Member

OFFICIAL RECORD BK# 976
BANKOCC COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 0 DEPUTY Don

City of Chubbuck

21401809

2014 FEB 13 P 12:29

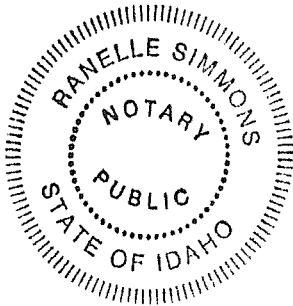
6-2

21401809

STATE OF IDAHO)
County of Bannock) ss.

On this 13 day of February, ²⁰¹⁴ 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.



Ranelle Simmons
NOTARY PUBLIC FOR IDAHO
Residing at: Chubbuck Idaho
My commission expires: 5.5.2014

EXHIBIT A

Page 4 of 9

WATER RIGHT NO. 29-14096

As Modified by Transfer No. 78935

In accordance with the approval of Transfer No. 78935, Water Right No. 29-14096 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	In 10.31	0.210 cfs 0.210 cfs	83.2 af 83.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SE1/4SW	Sec 34 Twp 06S Rge 34E	BANNOCK County
GROUND WATER	NW1/4SW	Sec 3 Twp 06S Rge 34E	BANNOCK County
GROUND WATER	SW1/4SE	Sec 4 Twp 06S Rge 34E	BANNOCK County
GROUND WATER	L13 (SW1/4)	Sec 10 Twp 06S Rge 34E	BANNOCK County
GROUND WATER	L4 (NEN1/4)	Sec 11 Twp 06S Rge 34E	BANNOCK County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Chubbuck 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 20.8 acres within the authorized place of use in a single irrigation season.
4. Rights 29-14096 and 29-14097 when combined shall not exceed the irrigation of 23.0 acres.
5. Municipal use under rights 29-14096 and 29-14097 is for irrigation of 23.0 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.
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.

Transfer No. 78935

WATER RIGHT NO. 29-14096

As Modified by Transfer No. 78935

CONDITIONS OF APPROVAL

- 8 Prior to the diversion and use of water under Transfer approval 78935, 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
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 78935.
- 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. 78935

Page 8 of 9

WATER RIGHT NO. 29-14097**As Modified by Transfer No. 78935**

In accordance with the approval of Transfer No. 78935, Water Right No. 29-14097 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	0.020 cfs	8.8 af
			0.020 cfs	8.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWSW	Sec 34 Twp 05S Rge 34E	BANNOCK County
GROUND WATER	NWNWSW	Sec 3 Twp 06S Rge 34E	BANNOCK County
GROUND WATER	SWSESW	Sec 4 Twp 06S Rge 34E	BANNOCK County
GROUND WATER	L13 (SWSW)	Sec 10 Twp 06S Rge 34E	BANNOCK County
GROUND WATER	L4 (NENWNW)	Sec 11 Twp 06S Rge 34E	BANNOCK County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Chubbuck 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 2.2 acres within the authorized place of use in a single irrigation season.
4. Rights 29-14096 and 29-14097 when combined shall not exceed the irrigation of 23.0 acres.
5. Municipal use under rights 29-14096 and 29-14097 is for irrigation of 23.0 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.
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.

Transfer No. 78935

WATER RIGHT NO. 29-14097

As Modified by Transfer No. 78935

CONDITIONS OF APPROVAL

- 8 Prior to the diversion and use of water under Transfer approval 78935, 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:
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