

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
FEB 24 2013
Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you have 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?
25-14402 <i>08</i>	Yes ☐		Yes ☐		Yes ☐
	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): Robert or Mary Ann Cherry
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☒ or ☐ and/or
760 W Riverview Dr.
Mailing address
Idaho Falls ID 83401
City State ZIP
208-524-1284
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. 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.

7. Signature: *Robert S. Cherry* Title, if applicable _____ Date 12 Feb 2014
Signature of new owner/claimant

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

For IDWR Office Use Only:

Received by *JB* Date 2/24/2014 Receipt No. E039565 Receipt Amt. \$25.-
Approved by *JB* Processed by *JB* Date 3/3/2014

When Recorded Return To: Rocky Mountain Environmental Associated, Inc.
482 Constitution Way, Suite 313
Idaho Falls, ID 83402-3537

SPECIAL WARRANTY DEED FOR WATER RIGHT(S)

Idaho Water Company, LLC, c/o Del Kohtz whose address is 1135 Valley Rd S, Eden,
Idaho 83325 (Grantor) does hereby grant, assign and convey Robert and/or Mary Ann
Cherry whose principal address is presently at 760 W Riverview Dr., Idaho Falls, ID 83401
, (Grantee) and to Grantees heirs and assigns forever, all right title and interest in water right _____
25-14402 (Water Rights only), as described in Exhibits 1 and hereto (collectively the "Water
Right") *for 1.2 acres of water*

Grantor retains no residual or reversionary interest in any of the Water Right.

Grantor hereby covenants and warrants to Grantee as follows:

- (A) The Grantor is the owner in fee simple of the Water Right;
- (B) That Grantor has not conveyed any of the Water Right to anyone other than the grantee;
- (C) That the Water Right is free from any liens, claims, or encumbrances;
- (D) That Grantor has the authority to convey the Water Right to Grantee;
- (E) The Grantor has disclosed to Grantee in good Faith all relevant information known to Grantor bearing on the validity and extent of the Water Right.

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

[End of text; signature page to follow]

Instrument # 1467489
IDAHO FALLS, BONNEVILLE, IDAHO
2-24-2014 09:17:42 No. of Pages: 4
Recorded for : ROCKY MOUNTAIN ENVIRONMENTAL
RONALD LONGMORE
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY
Fee: 19.00

IN WITNESS WHEREOF Idaho Water Company, LLC, c/o Del Kohtz the undersigned (Grantor) has hereunto set his hand and seal on the date shown.

Grantor:  2/13/14
(Signature) (Dated)
Delbert Kohtz
(Print Name)

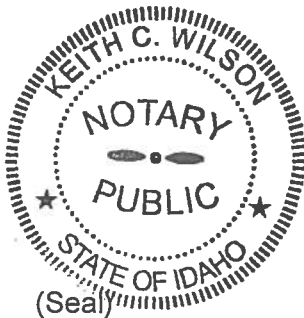
Exhibits:

Exhibit 1: Water Right Report 25-14402

STATE OF IDAHO)
) ss
County of Bonneville)

On this 13th day of February, 2014, before me a Notary Public in and for said State, personally appeared Del Kohtz, known or identified to me to be the persons whose name is subscribed to the within and foregoing instrument, and acknowledged to me that executed the same.

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



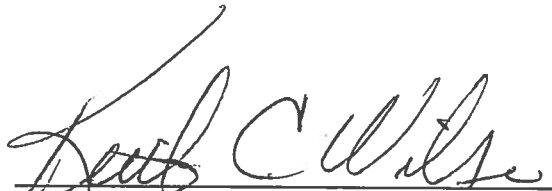

Notary Public
My commission expires: 6/21/2016

Exhibit "A"

WATER RIGHT NO. 25-14402**As Modified by Transfer No. 78979**

In accordance with the approval of Transfer No. 78979, Water Right No. 25-14402 is now described as follows:

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

Priority Date: 7/19/1973

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.020 cfs

0.020 cfs

Diversion Volume

4.8 af

4.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NESWNE

Sec 36 Twp 03N Rge 37E BONNEVILLE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	37E	36			1.2														1.2

POU Total Acres: 1.2

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Exhibit "A"

WATER RIGHT NO. 25-14402

As Modified by Transfer No. 78979

CONDITIONS OF APPROVAL

6. 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.

