

DEC 04 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF 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?
25-14384 <i>OK</i>	Yes ☐		Yes ☐		Yes ☐
25-14386 <i>OK</i>	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
Name of each new owner as listed on the conveyance document

New owner Continued Name Connector ☐ and ☐ or ☐ and/or

2135 South Ammon Road

Mailing Address

Ammon

City

ID

State

83406

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. November 5, 2012

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 L. Jannis* Attorney, City of Ammon 12/3/2012
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 *JB*
Approved by *JB*

Date 12/4/2012
Processed by *JB*

Receipt No. E038223

Date Dec 5, 2012 Receipt Amt. \$50. -

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Scott R. Hall, Esq.

Nelson Hall Parry Tucker, P.A.

P.O. Box 51630

Idaho Falls, ID 83405

Instrument # 1431086

IDAHO FALLS, BONNEVILLE, IDAHO

11-5-2012 09:26:28 No. of Pages: 6

Recorded for : CITY OF AMMON

RONALD LONGMORE

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

51

(Space Above for Recorder's Use)

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. 25-14384 and 25-14386 as 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. Only the Water Rights are conveyed herein. **No land is conveyed pursuant to this deed.**

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 1st day of November 2012.

IDAHO WATER COMPANY, LLC

By: [Signature]

Delbert G. Kohtz, Member

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 1st day of November, 2012 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.



[Signature]
NOTARY PUBLIC FOR IDAHO

Residing at: Bonneville County

My commission expires: 10-8-16

EXHIBIT A
WATER RIGHT DESCRIPTION

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WATER RIGHT NO. 25-14384
As Modified by Transfer No. 78135

In accordance with the approval of Transfer No. 78135, Water Right No. 25-14384 is now described as follows.

Right Holder: IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325

Priority Date: August 19, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	04/01	to 10/31	0.21 CFS	60.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESENW	Sec. 22 Twp 02N	Rge 38E	BONNEVILLE County
GROUND WATER	SESWSE	Sec. 22 Twp 02N	Rge 38E	BONNEVILLE County
GROUND WATER	SENENW	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	NWNENW	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	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 15.1 acres within the authorized place of use in a single irrigation season.
4. Rights 25-14384 and 25-14386 when combined shall not exceed irrigation of 31.9 acres.
5. Rights 25-14331, 25-14333, 25-14380, 25-14384 and 25-14386 when combined shall not exceed the irrigation of 125.4 acres.
6. Municipal use under rights 25-14331, 25-14333, 25-14380, 25-14384 and 25-14386 is for irrigation of 125.4 acres within the authorized place of use in a single irrigation season.
7. 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.

WATER RIGHT NO. 25-14384
As Modified by Transfer No. 78135

CONDITIONS OF APPROVAL

8. 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.
9. Prior to diversion and use of water under Transfer approval 78135, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
10. 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.
11. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 cfs per acre at the field headgate.
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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of October, 20 12


Water Resources Program Manager

WATER RIGHT NO. 25-14386

As Modified by Transfer No. 78135

In accordance with the approval of Transfer No. 78135, Water Right No. 25-14386 is now described as follows.

Right Holder: IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325

Priority Date: August 19, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diverslon Rate</u>	<u>Volume</u>
MUNICIPAL	04/01	to 10/31	0.25 CFS	67.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESENW	Sec. 22 Twp 02N	Rge 38E	BONNEVILLE County
GROUND WATER	SESWSE	Sec. 22 Twp 02N	Rge 38E	BONNEVILLE County
GROUND WATER	SENENW	Sec. 25 Twp 02N	Rge 38E	BONNEVILLE County
GROUND WATER	NWSENW	Sec. 28 Twp 02N	Rge 38E	BONNEVILLE County
GROUND WATER	SWSWNE	Sec. 27 Twp 02N	Rge 38E	BONNEVILLE County
GROUND WATER	NWNENW	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	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 16.8 acres within the authorized place of use in a single irrigation season.
4. Rights 25-14384 and 25-14386 when combined shall not exceed irrigation of 31.9 acres.
5. Rights 25-14331, 25-14333, 25-14380, 25-14384 and 25-14386 when combined shall not exceed the irrigation of 125.4 acres.
6. Municipal use under rights 25-14331, 25-14333, 25-14380, 25-14384 and 25-14386 is for irrigation of 125.4 acres within the authorized place of use in a single irrigation season.
7. 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.

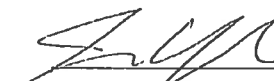
WATER RIGHT NO. 25-14386
As Modified by Transfer No. 78135

CONDITIONS OF APPROVAL

8. 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.
9. Prior to diversion and use of water under Transfer approval 78135, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
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11. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 aia per acre at the field headgate.
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.
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Water Resources Program Manager