

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 13 2012

Department of Water Resources
Eastern Region

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?
29-14012	Yes ☐		Yes ☐		Yes ☐
29-14013	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Idaho Water Co. LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Chubbuck
Name of each new owner as listed on the conveyance document
Public Works Department
New owner continued ☐ Name connector ☒ and ☐ or ☐ and/or
P.O. Box 5604
Mailing address
Chubbuck ID 83202-5604
City State ZIP
(208)237-2430 ssmart@cityofchubbuck.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: 10/27/2011
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: [Signature] Title, if applicable: MAYOR Date: 07 SEP 12
Signature of new owner/claimant
- Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by: [Signature] Date: 9/14/2012 Receipt No.: E038011 Receipt Amt.: \$25.-
Approved by: [Signature] Processed by: [Signature] Date: 9/14/2012

948
 OFFICIAL RECORD BOOK
 BARNES COUNTY IDAHO

RECORDED AT REQUEST OF
 DEPUTY *mw*

City of Chubbuck

21116354

2011 OCT 28 A 10:14

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Idaho Water Company, LLC 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 P.O. Box 5604, Chubbuck, Idaho 83202 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right Nos. 29-14012 (formerly 35-14069) and 29-14013 (formerly No. 35-14019) described in Exhibit A hereto (the "Water Rights").

Grantor covenants and warrants to Grantee as follows:

- A. Grantor is the owner of the Water Rights;
- B. Grantor has not conveyed the Water Rights to anyone other than Grantee;
- C. The Water Rights are being conveyed 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, representations or warranties as to the Water Rights.

No land is included in or conveyed by this grant.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed this 27th day of Oct., 2011.

IDAHO WATER COMPANY, LLC

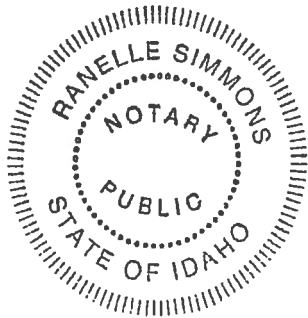
By:

Delbert G. Kohtz
 Delbert G. Kohtz, Member

STATE OF IDAHO)
 County of Bannock) ss.

On this 27 day of Oct. 2011, 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: Bannock County - Chubbuck, Idaho

My commission expires: 5-5-2014

Exhibit A
(Description of Water Rights)

WATER RIGHT NO. 29-14012
As Modified by Transfer No. 77438

In accordance with the approval of Transfer No. 77438, Water Right No. 29-14012 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	1.83 CFS	488.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 3 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. Municipal use under rights 29-14012 and 29-14013 is for irrigation of 285.0 acres within the authorized place of use in a single irrigation season.
4. This right is limited to the irrigation of 122.2 acres within the authorized place of use in a single irrigation season.
5. Rights 29-14012 and 29-14013 when combined shall not exceed the irrigation of 285.0 acres.
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.
8. Prior to diversion and use of water under Transfer approval 77438, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
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.

WATER RIGHT NO. 29-14012
As Modified by Transfer No. 77438

CONDITIONS OF APPROVAL

10. The combination of changes under:

Transfer approval 77438 as described under rights 29-14012 and 29-14013;
 Transfer approval 77439 as described under rights 25-14345 and 25-14346;
 Transfer approval 77440 as described under right 36-16917;
 Transfer approval 77441 as described under right 22-14018;
 Transfer approval 77443 as described under right 27-12235;
 Transfer approval 77444 as described under right 25-14347;

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.

11. 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.
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 7th day of October, 2011


 Water Resources Program Manager

WATER RIGHT NO. 29-14013
As Modified by Transfer No. 77438

In accordance with the approval of Transfer No. 77438, Water Right No. 29-14013 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	2.25 CFS	651.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 3 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. Municipal use under rights 29-14012 and 29-14013 is for irrigation of 285.0 acres within the authorized place of use in a single irrigation season.
4. This right is limited to the irrigation of 162.8 acres within the authorized place of use in a single irrigation season.
5. Rights 29-14012 and 29-14013 when combined shall not exceed the irrigation of 285.0 acres.
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.
8. Prior to diversion and use of water under Transfer approval 77438, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
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.

WATER RIGHT NO. 29-14013
As Modified by Transfer No. 77438

CONDITIONS OF APPROVAL

10. The combination of changes under:

Transfer approval 77438 as described under rights 29-14012 and 29-14013;
 Transfer approval 77439 as described under rights 25-14345 and 25-14346;
 Transfer approval 77440 as described under right 36-16917;
 Transfer approval 77441 as described under right 22-14018;
 Transfer approval 77443 as described under right 27-12235;
 Transfer approval 77444 as described under right 25-14347;

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.

11. 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.
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 7th day of October, 20 11


 Water Resources Program Manager