

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

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AUG 04 2005
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>36-7033</u>	_____	_____	_____	_____	_____
<u>36-7164</u>	_____	_____	_____	_____	_____
<u>36-7653</u>	_____	_____	_____	_____	_____
<u>47-8042</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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 DEPARTMENT OF
 WATER RESOURCES

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Dept of Defense, US Dept of Army, Corps of Engineers
Walla Walla District, Walla Walla, WA 99362-9265
4. New Owner/Claimant(s) Dept of Interior, US Fish & Wildlife Service
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 911 NE 11th Avenue
- City, State and ZIP Code Portland, OR 97232-4181
- New Telephone Number () 503-231-6251
5. Date you acquired the property February 17, 1995

SUPPORT DATA
 IN FILE # 36-7033

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)
Paul Rauch, Agent for US Department of Interior
US Fish & Wildlife Service

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>AK</u>	Date <u>8/4/05</u>	Fee <u>100.00</u>
Received by <u>AK</u>	Date <u>8/4/05</u>	Receipt No. <u>5027891</u>
Processed by <u>AK</u>	AJ Date _____	WR _____ Date _____

LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN

LETTER OF TRANSFER

MAGIC VALLEY HATCHERY

From: The Department of the Army, U.S. Army Corps of Engineers

To: The Department of the Interior, U.S. Fish and Wildlife Service

BY THESE PRESENTS, I Togo D. West, Jr., Secretary of the Army, do hereby transfer to the Department of the Interior all of the real property, interests, rights, permits, licenses and appurtenances, that have been acquired for the United States of America by the U.S. Army Corps of Engineers in connection with the Magic Valley Fish Hatchery. This facility located in Twin Falls County and Gooding County, State of Idaho shall be used, operated, maintained and funded through the U.S. Fish and Wildlife Service, as provided by the authorization of the Lower Snake River Fish and Wildlife Compensation Plan.

Article 1 - Authority. This transfer is made pursuant to the authority conferred by Section 856 of Public Law 99-662, entitled the Water Resources Development Act of 1986. That legislation approved the recommendations of the Chief of Engineers' Special Report of March 6, 1985, concerning the Lower Snake River Fish and Wildlife Compensation Plan. Paragraph 5 (e) of that Special Report recommended that authorization be provided for the "transfer of jurisdiction over all compensation plan hatcheries, appurtenant facilities, and lands to the U.S. Fish and Wildlife Service for operation, maintenance, and replacement upon completion of construction by the Corps of Engineers."

Article 2 - Purpose and Nature of Action. On the basis of the authorizing legislation, the property included in this transfer is not excess property of the Department of the Army as defined by the Federal Property and Administrative Services Act of 1949 and the regulations issued under Title 41 of the Code of Federal Regulations. Therefore, General Services Administration disposal procedures are not applicable. The property is being transferred and assigned to the using agency, the U.S. Fish and Wildlife Service, as a congressionally designated agency function for the Lower Snake River Fish and Wildlife Compensation Plan. This action is not subject to reimbursement nor is it subject to the requirement of 10 U.S.C., Section 2662, which pertains to military properties.

Article 3 - Description of Property and Project Maps. The legal descriptions are attached as Exhibit A and the project map is provided as Exhibit B.

Article 4 - Acreage and Interests Acquired and Herein Assigned.

The Magic Valley Fish Hatchery includes one fee tract acquired in fee simple title totaling 25.46 acres. Several permanent easements and rights-of-way for the water supply and an access road are also included with this facility transfer. These lesser interests total 16.98 acres. In addition all water rights acquired with the property or perfected by the Corps of Engineers are hereby transferred and listed on Exhibit C. A number of temporary easements or permits listed on the project map have now expired and are not included in this transfer.

Article 5 - Effective Date of Transfer. This Letter of Transfer shall be effective upon execution.

Article 6 - Possession and Transfer of Deeds and Title Papers. These premises have already been made available to the U.S. Fish and Wildlife Service for beneficial occupancy. The real estate documents and records including deeds and title papers and water rights permits will be transferred from the U.S. Army Corps of Engineers, Walla Walla District to the U.S. Fish and Wildlife Service following the signing and acceptance of this transfer.

Article 7 - Encumbrances and Reservations. The United States holds indefeasible and secure title to this property. There is a reservation on Tract 602E for the joint use of this easement. The other title encumbrances affecting these premises are in the nature of public roads, utilities and rights-of-way which existed before the Government's acquisition. These pose no interference with the project.

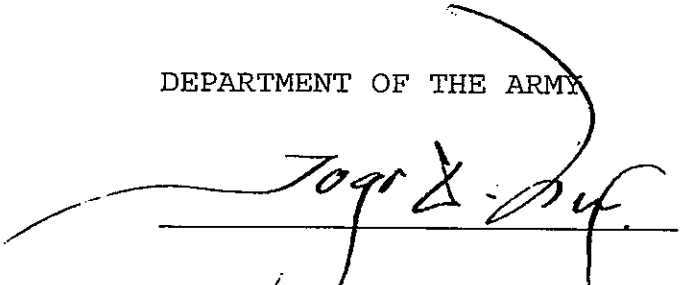
Article 8 - Source of Title and Acquisition Costs. This property was a private trout hatchery when acquired by the Government. The main fee parcel, Tract 600 and a road easement, Tract 601E, were acquired by Warranty Deed from Kenneth and Brenda Ellis, recorded March 18, 1981, Book 231, Page 3417, Twin Falls County, Idaho. The costs for these tracts was \$3,425,000. Tracts 602E and 603E were permanent easements granted by the State of Idaho for a water pipeline and a water collection system to the former hatchery owners. These easements were assigned to the United States of America without costs. Tract 604E is a permanent easement for the water collection system acquired from the State of Idaho at a cost of \$13,500. Tract 608E, another permanent easement for the water collector system, was acquired from the Idaho Department of Fish and Game for \$100. Tract C is a transferable right-of-way reservation for a pipeline installation at the right bank issued by the Bureau of Land Management.

Article 9 - Buildings, Improvements, and Real Property. A list of the real property at this facility is attached as Exhibit D.

Article 10 - CERCLA Notice. An environmental inspection and audit of the Magic Valley Fish Hatchery building was performed by the U.S. Army Corps of Engineers. The results of that inspection are that there were no apparent sources of environmental contamination on the premises and there were no observed or reported instances of any hazardous, toxic or radiological waste being stored, released or disposed.

NOW THEREFORE, in consideration of all of the foregoing articles. I hereby approve and deliver this Letter of Transfer and cause all of the property, facilities, rights and interests described, attached and incorporated herein to be transferred to the Department of the Interior for the use and benefit of its U.S. Fish and Wildlife Service.

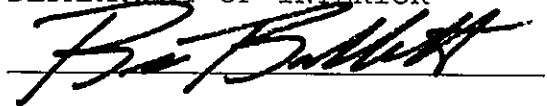
DEPARTMENT OF THE ARMY


Secretary of the Army

Date: 10/19/94

This transfer of the above mentioned real property, easements, permits, licenses and improvements is hereby accepted by the Department of Interior, for the use and benefit of the U.S. Fish and Wildlife Service.

DEPARTMENT OF INTERIOR


Secretary of the Interior

Date: FEB 17 1995



THE SECRETARY OF THE INTERIOR
WASHINGTON

FEB 17 1995

Honorable Togo D. West, Jr.
Secretary of the Army
Washington D.C. 20310-0101

Dear Mr. West:

As requested, I am returning one signed copy of your transfer letter dated October 19, 1994 (including exhibits). The Department of the Interior is pleased to accept custody and control of the Magic Valley Fish Hatchery in Twin Falls and Gooding Counties, Idaho. Fish and Wildlife Service personnel will contact the District Engineer in Walla Walla, Washington, to work out further details.

We appreciate the continued cooperation of the Department of the Army with respect to the acquisition and transfer of this facility.

Sincerely,

Enclosures



SECRETARY OF THE ARMY
WASHINGTON

October 19, 1994



Honorable Bruce Babbitt
Secretary of Interior
Washington, D.C. 20240

Dear Mr. Secretary:

In accordance with applicable law, I have signed and enclosed two copies of a letter which will transfer the Magic Valley Hatchery, in its entirety, to the Department of the Interior. Please express your agency's acceptance by signing and returning one copy of the transfer letter.

Our respective staffs have worked diligently to ensure that the details and arrangements regarding the future use of the Magic Valley Hatchery are addressed. I am pleased that this matter of mutual interest has been accomplished in a manner that accommodates both agencies' mission requirements and provides for a smooth transition of the Magic Valley Hatchery.

Sincerely,



Togo D. West, Jr.

Enclosure

