

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 23 2023
DEPARTMENT OF
WATER RESOURCES

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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions. DE ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
02-07172P ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Hammett Public Park
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Elmore County Board of Commissioners
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 150 S 4th E Ste 3 Mountain Home ID 83647
Mailing address City State Zip
208-587-2130 ext 1210 sessl@elmcountycor.gov
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: September 11, 1998
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
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.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Commissioner 1-20-2023
 Signature of new owner/claimant Title, if applicable Date
Albert Hote
 Print name

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

Received by KA Date 1.24.23 **For IDWR Office Use Only:** Receipt No. 0115172 ✓ Receipt Amt. \$25.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing d W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by d Date 3/2/23

SCANNED
MAR 07 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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02-07172P ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Hammett Public Park

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Elmore County Board of Commissioners

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

150 S 4th E Ste 3

Mountain Home

ID

83647

Mailing address

City

State

Zip

208-587-2130 ext 1210

sessl@elmorecounty.org

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
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- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: *Albert Hoyer* Commissioner 1-20-2023

Signature of new owner/claimant Title, if applicable Date

Albert Hoyer

Print name

Signature: _____

Signature of new owner/claimant Title, if applicable Date

Print name

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by dy Date 3/2/23

SCANNED
MAR 07 2023

STATE OF IDAHO }
COUNTY OF ELMORE } SS

MOFFATT, THOMAS, BARRETT & BLANTON, CHARTERED
300 First Security Building
Post Office Box 829
Boise, Idaho 83701
Telephone: 345-2334
Attorneys for Plaintiff and
Cross Defendant

ARTERED
OF THE
I HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY
ORIGINAL ON FILE IN THIS OFFICE.

RECEIVED ON FILE IN THIS OFFICE.
Sept. 9 1975
Dean S. [illegible]
CLERK
BY [illegible]
DEPUTY
FBI - NEW YORK
SEP 11 1975

MYRRL WILSON HELLER.

Plaintiff and Cross Defendant.

vs.

ELMORE COUNTY, IDAHO, et al.,

Defendant and Cross Plaintiff.

Civil No. 4607

DECREE

The above-entitled matter was submitted to the Court on stipulated facts and documentary evidence and written and verbal arguments of counsel, J. Charles Blanton, of the firm of Moffatt, Thomas, Barrett & Blanton, Chartered, appearing for the Plaintiff, and Alan D. Wilson, Prosecuting Attorney for Elmore County, appearing for the Defendant, Elmore County, Idaho, the only Defendant appearing in said proceeding, the other Defendants appearing not, either in person or by attorney. The Court, having duly considered the facts, evidence and arguments presented, finds as follows:

That service of summons was duly and regularly made according to law and the order of this Court; that the time for

the appearance of all Defendants to answer and plead to the complaint has expired, and the default of such Defendants, and each of them, has been duly entered herein; that the allegations contained in Plaintiff's complaint are sufficient to entitle her to the relief prayed for, except as to Lot 2, Block 34, Fruitland Subdivision, Elmore County, Idaho.

WHEREFORE, all and singular the law in the premises being by the Court here understood and fully considered,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all of the claims and demands of whatsoever kind or character made or asserted by the Defendants, except the claim of Elmore County on behalf of the public, or any of them, in whatever capacity, whether as unknown owners or claimants, or as unknown heirs or devisees, or otherwise, to the property hereinafter described, or to any part thereof, are all null and void and without any right whatsoever, whether in law or in equity;

That the title to said property as hereinafter described, and the whole thereof, be and the same is hereby forever quieted in the Plaintiff as against any claims of the Defendants, or any of them, or any and all persons claiming by, through or under them, which property is described as follows:

Lots 1 and 2, Block 35; Lots 1, 2, 3 and 4, Block 28; all of Blocks 18, 19, 29, 30, 31, 32 and 33, all in the Fruitland Subdivision, as the same appear on the plat of such subdivision filed in Book 1 of Plats at page 33, records of Elmore County, Idaho.

IT IS FURTHER ORDERED that Lot 2, Block 34, Fruitland Subdivision as the same appears upon the plat filed in Book 1 of Plats, page 33, records of Elmore County, Idaho, was dedicated to the public use as a park, which dedication remains in full force and effect.

DATED this 24 day of April, 1975.

Judge Callister
District Judge

164716

STATE OF IDAHO, {
County of Blaine

I hereby certify that this instrument
was filed for record at request of
Moffitt, Thomas, Barrett & Stanton
at 20 minutes past 4
o'clock P. M., this 23
day of Sept, A.D., 19 75.
in my office, and duly recorded in Book
_____ of _____

at Page DEAN SANGREY

Ex-Officio Recorder,
By Sandy Weather
Deputy.

Fees \$ 3.00

RECEIVED

Jan 23, 2023

DEPARTMENT OF
WATER RESOURCES

QUITCLAIM DEED

For Value Received

Barry Peterson, Don Reynolds and Larry Rose, in their capacity of
Elmore County Commissioners

do hereby convey, release, remise and forever quitclaim unto

Elmore County

whose current address is 150 South 4th East Suite No. 3
Mountain Home, Idaho 83647

the following described premises, to-wit:

Lot shown as PARK, Block 34, FRUITLAND SUBDIVISION, Elmore County,

Idaho, according to the official plat thereof on file and of record

in the office of the County Recorder of Elmore County, Idaho.

together with their appurtenances.

Dated: September 11, 1998

Elmore County Commissioners

Barry Peterson
Barry Peterson
Larry Rose
Larry Rose

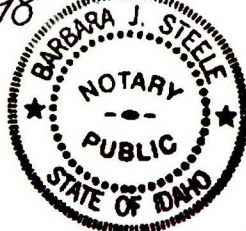
Don Reynolds
Don Reynolds

310374

STATE OF IDAHO, COUNTY OF Elmore

On this 14th day of September 98
before me, a notary public in and for the said State, personally appeared Barry Peterson, Don Reynolds and Larry Rose, in their capacity of Elmore County Commissioners known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same in their capacity of Elmore County Commissioners

Barbara J. Steele
Notary Public
Residing at Mountain Home, Idaho.
Comm. Expires 11-4-98



STATE OF IDAHO, COUNTY OF Elmore

I hereby certify that this instrument was filed for record at the request of Elmore County Commissioners

at 54 minutes past 9 o'clock A. M.,
this 15th day of September,
1998, in my office, and duly recorded in
Book _____ of Deeds at Page _____

DOLORES ROBISON

Ex-Officio Recorder

By *[Signature]*

Deputy

Fees \$-0-

Mail to:

SCANNED
MAR 17 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 6, 2023

ELMORE COUNTY
150 S 4TH EAST
MOUNTAIN HOME ID 83647

Re: Change in Ownership for Water Right No: 2-7172P

Dear Water Right Holder:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4920 or debby.judd@idwr.idaho.gov.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c. Water District 02 – via email

SCANNED
MAR 07 2023

RECEIVED

JAN 26 2023

DEPARTMENT OF
WATER RESOURCES

VARIN

THOMAS

ATTORNEYS AT LAW

DYLAN LAWRENCE
DYLAN@VARINTHOMAS.COM

242 N. 8TH STREET, SUITE 220
P.O. BOX 1676
BOISE, IDAHO 83701
P: 1.208.345.6021
F: 1.866.717.1758
VARINTHOMAS.COM

January 23, 2023

Idaho Department of Water Resources
322 E Front Street
Boise, ID 83702
Re: File: EF2023-05
Water Right: 02-7172P

To Whom It May Concern:

Enclosed, please find payment in the amount of \$25 for the processing fee associated with the change in ownership for the above-referenced file and water right number.

Thank you in advance for your assistance in this matter.

Very truly yours,

VARIN THOMAS LLC

Dylan B. Lawrence

Enclosures

SCANNED
MAR 7 2023