

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED ✓

JUL 27 2022

DEPT OF WATER RESOURCES
SOUTHERN 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. 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
36-7970	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: Wayside Estates, Inc.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Heyburn
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 941 18th St. Heyburn ID 83336
Mailing address City State ZIP
- 208-679-8158 tmorley@heyburncity.org
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: 5/12/2022
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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: Dick Galbraith Mayor 7/22/2022
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by SG Date 7/27/22 Receipt No. 5039357 Receipt Amt. \$25.00

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 BW Date 8/23/22

WARRANTY DEED

Instrument # 567582

MINIDOKA COUNTY, RUPERT, IDAHO
5-12-2022 11:47:26 AM No. of Pages: 2
Recorded for : CITY OF HEYBURN
TONYA PAGE Fee: 0.00
Ex-Officio Recorder Deputy *TP*

For value received,

Wayside Estates Inc, an Idaho Corporation, also known as Wayside Estates Association, Inc.,

the Grantor, does hereby grant, bargain, sell, and convey unto

City of Heyburn, a municipal corporation of the State of Idaho,
whose current address is 941 18th Street, Heyburn, Idaho 83336,

the Grantee, the following described premises, in Minidoka County, Idaho, to wit:

Lot 12, Block 2 of the Amended Replat of Wayside Subdivision, Minidoka County, Idaho, according to the official plat thereof, inst. # 535306, no on file in the office of the County Recorder, Minidoka County, Idaho.

And

Entirety of Water Right no. 36-7970, appurtenant Township 10S, Range 23E, Section 11, Tract NENE, Minidoka County, with a diversion rate of 0.20 cfs/27.6 acre-feet for domestic use with a priority date of March 10, 1981.

And

Any and all easements, alleys, roadways, and all infrastructure for water and wastewater purposes related to Wayside Subdivision, within Minidoka County.

To have and to hold, the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors does hereby covenant to and with the said Grantee, that Grantors are the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are now due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

DATED this 10 May 2022



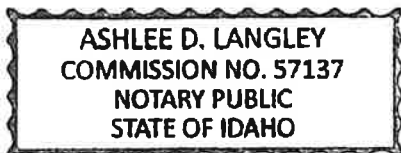
GEORGE R BRISBIN
President of Wayside Estates, Inc
AKA Wayside Estates Association, Inc.

STATE OF IDAHO)
) ss.
COUNTY OF MINIDOKA)

On this 10 May 2022, before me, a Notary Public, personally appeared George R Brisbin, President of Wayside Estates, Inc, AKA Wayside Estates Association, Inc., known to me to be the person named in the foregoing, and acknowledged to me that he executed the same as free act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year in the certificate first above written.

SEAL





Notary Public for State of Idaho

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07970

1993 MAR 20 AM 11:46
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: WAYSIDE ESTATES INC
C/O ERMIN HALL MANAGER
RT 1 BOX 1051
HEYBURN ID 83336

SOURCE: GROUNDWATER

QUANTITY: 0.2 CFS
27.6 AFY

PRIORITY DATE: 03/10/1981

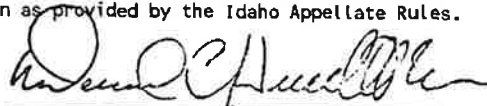
POINT OF DIVERSION: T10S R23E S11 SENENE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 23 HOMES	01-01 12-31	0.2 CFS 27.6 AFY

PLACE OF USE: DOMESTIC Within MINIDOKA County
T10S R23E S11 NENE

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 23, 2022

CITY OF HEYBURN
941 18TH ST
HEYBURN ID 83336-4902

Re: Change in Ownership for Water Right No(s): 36-7970

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) 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) 736-3033.

Sincerely,

Benny Walker
Senior Water Resource Agent,

Enclosure(s)

Cc: MCHUGH BROMLEY PLLC

WD130

McHUGH BROMLEY

ATTORNEYS AT LAW, PLLC

RECEIVED

JUL 27 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

July 25, 2022

Idaho Dept. of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, Idaho 83301-5858

Re: Change of Ownership, 36-7970

Dear Clerk:

Please find enclosed a *Notice of Change in Water Right Ownership* as to water right no. 36-7970 filed on behalf of the City of Heyburn, along with a check in the amount of \$25.00. The City of Heyburn acquired this water right on May 12, 2022.

Please send all correspondence to me.

If you have any questions, please do not hesitate to contact me.

Sincerely,



CHRIS M. BROMLEY

Encls.