

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED ✓

MAR 11 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?
36-8332	Yes ☐	Yes ☐		Yes ☐	Yes ☐
36-8744	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Joshnik, LLLP
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: 2/9/2022
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.

SUPPORT DATA

IN FILE # 36-8332

8. Signature: *Mike Galbraith* Mayor 3/8/2022
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 3/11/22 Receipt No. 5039120 Receipt Amt. \$50.00

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 3/23/2022

WATER RIGHT SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOSHNIK, LLLP (hereinafter "GRANTOR"), whose address is 3184 W. Elder St., Boise, ID 83705, does hereby bargain, sell, remise, release, convey, and remises to the CITY OF HEYBURN, a municipal corporation (hereinafter "GRANTEE"), whose address is 941 18th St., Heyburn, Idaho 83336, the entirety of water right no. 36-8744, licensed by the Idaho Department of Water Resources on May 3, 2019, with a diversion rate of 0.07 cfs for a domestic and irrigation purposes of use, with a priority date of December 22, 1995 (the "Water Right"), which is appurtenant to the following real property:

Township 10S, Range 23E, Section 11, NENE, Minidoka County
Township 10S, Range 23E, Section 11, NWNE, Minidoka County

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed this 9th day of FEBRUARY, 2022.

JOSHNIK, LLLP

By:


CHARLEY JONES
Partnership General Partner

Instrument # 566333

MINIDOKA COUNTY, RUPERT, IDAHO
2-25-2022 10:42:42 AM No. of Pages: 1
Recorded for : CITY OF HEYBURN
TONYA PAGE Fee: 0.00
Ex-Officio Recorder Deputy 

STATE OF IDAHO)
) s.s.
COUNTY OF ADA)

On this 9th day of FEBRUARY, 2022, before me, the undersigned Notary of the State of Idaho in and for said county and state, personally appeared Charley Jones known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.




Notary Public of the State of Idaho
Residing at: BOISE, ID
Commission Expires: 8/21/24

WATER RIGHT SPECIAL WARRANTY DEED

WATER RIGHT SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOSHNIK, LLLP (hereinafter "GRANTOR"), whose address is 3184 W. Elder St., Boise, ID 83705, does hereby bargain, sell, remise, release, convey, and remises to the CITY OF HEYBURN, a municipal corporation (hereinafter "GRANTEE"), whose address is 941 18th St., Heyburn, Idaho 83336, the entirety of water right no. 36-8332, licensed by the Idaho Department of Water Resources on July 6, 1992, with a diversion rate of 0.04 cfs for a commercial purpose of use, with a priority date of October 12, 1987 (the "Water Right"), which is appurtenant to the following real property:

Township 10S, Range 23E, Section 11, NENE, Minidoka County

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed this 9th day of FEBRUARY, 2022.

JOSHNIK, LLLP

By:


CHARLEY JONES
Partnership General Partner

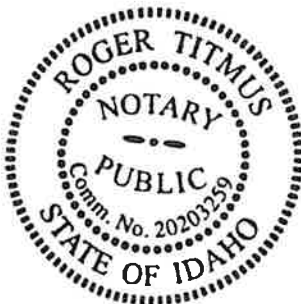
Instrument # 566332

MINIDOKA COUNTY, RUPERT, IDAHO
2-25-2022 10:40:44 AM No. of Pages: 1
Recorded for : CITY OF HEYBURN
TONYA PAGE Fee: 0.00
Ex-Officio Recorder Deputy 

STATE OF IDAHO)
) s.s.
COUNTY OF ADA)

On this 9th day of FEBRUARY, 2022, before me, the undersigned Notary of the State of Idaho in and for said county and state, personally appeared Charley Jones known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.




Notary Public of the State of Idaho
Residing at: BOISE, ID
Commission Expires: 8/21/26

WATER RIGHT SPECIAL WARRANTY DEED

Recording Requested By and
When Recorded Return to:

Richard F. Goodson
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617

RECORDING REQUESTED BY
FIRST AMERICAN TITLE COMPANY
AS AN ACCOMMODATION ONLY

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

Instrument # 539103

MINIDOKA COUNTY, RUPERT, IDAHO
01-06-2017 08:53:33 AM No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE AND ESCRO
PATTY TEMPLE Fee: \$19.00
Ex-Officio Recorder Deputy Susan Aston
Electronically Recorded by Simplifile

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

QUITCLAIM DEED

For valuable consideration, CJSD Holdings, Inc., an Idaho corporation ("**Grantor**"), whose mailing address is 3184 Elder Street, Boise, Idaho 83705 does by these presents convey, remise, release and forever quitclaim unto Joshnik LLLP, an Idaho limited liability limited partnership ("**Grantee**"), whose mailing address is 3184 Elder Street, Boise, Idaho 83705, all right, title and interest which Grantor now has or may hereafter acquire in and to that certain County of Minidoka, State of Idaho, as more particularly described as follows:

See Exhibit "A" attached hereto, incorporated herein, and by this reference made a part hereof.

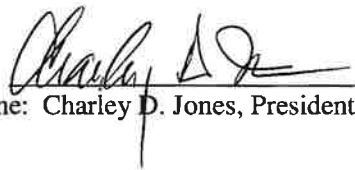
TOGETHER WITH all right, title and interest which Grantor now has or may hereafter acquire in the improvements located thereon and in the rights of way, easements, tenements, hereditaments, water rights, if any, and appurtenances thereunto belonging, reversion and reversions, remainder and remainders and the rents, issues and profits thereof.

TO HAVE AND TO HOLD the same unto the Grantee and to Grantee's successors and assigns forever.

IN WITNESS WHEREOF, this Quitclaim Deed has been duly executed by and on behalf of Grantor and effective January 1, 2017.

GRANTOR:

CJSD Holdings, Inc., an Idaho corporation

By: 

Name: Charley D. Jones, President

STATE OF IDAHO)
) ss.
County of Ada)

On this 30th day of December, 2016, before me, Richard F. Goodson, a Notary Public in and for said State, personally appeared Charley D. Jones, known or identified to me to be the President of CJSD Holdings, Inc., an Idaho corporation, the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Richard F. Goodson
Notary Public for Idaho
Residing at Bonni, Idaho
My commission expires October 22, 2018

EXHIBIT "A"

Store #68:

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 11: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11; thence South 89°42'07" West (recorded as South 89°50' West) along the 1/16th line for 1739.88 feet, (recorded as 1744.10 feet) to a point marked by a steel pin, said point lying on the Southeasterly right of way of Idaho State Highway 24, (also known as U.S. Highway 30 North); thence North 42°26' East (recorded as North 42°51' East) along said State Highway right of way for 129.70 feet to a point marked by a State Highway right of way brass cap as Station 226+46.25; thence North 45°15'49" East (recorded as North 45°20' East) for 102.15 feet along said State Highway right of way to a point marked by a spike in the asphalt, said point being the TRUE POINT OF BEGINNING;
Thence continuing North 45°15'49" East (recorded as North 45°20' East) along said State Highway right of way for 125.00 feet to a point marked by a spike in the asphalt;
Thence South 33°25'11" East (recorded as South 33°21' East) for 127.70 feet to a point marked by a spike in the asphalt;
Thence South 45°15'49" West (recorded as South 45°20' West) for 125.00 feet to a point marked by a steel pin;
Thence North 33°25'11" West (recorded as North 33°21' West) for 127.70 feet to the TRUE POINT OF BEGINNING.

Now known as Lot 24 in Block 2 of A Replat of the Wayside Subdivision, Minidoka County, Idaho, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded December 29, 2003 as Document No. 470016, Minidoka County records.

PARCEL NO. 2:

Non-exclusive easements for ingress and egress for the benefit of Parcel No. 1, as created by Warranty Deed, executed by Willis Nile Hobson and Lorna J. Hobson, husband and wife, to Curtis I. Clawson and Connie Annette Clawson, husband and wife, dated September 1, 1975 and recorded May 15, 1995, as Document No. 418432, Minidoka County records, over and across the following described land:

EASEMENT NO. 1:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11; thence South 89°42'07" West along the 1/16th line for 190.30 feet to a point marked by a steel pin; thence South 89°42'07" West along said 1/16th line for 1549.58 feet to a point marked by a steel pin, said point lying on the Southeasterly right of way of Idaho State Highway 30; thence North 42°26' East along said State Highway right of way for 129.70 feet to a point marked by a State Highway right of way brass cap and stationed 226+46.25; thence North 45°15'49" East for 102.15 feet along said State Highway right of way to a point marked by a spike in the asphalt, said point being the TRUE POINT OF BEGINNING;
Thence South 33°25'11" East for 127.70 feet to a point;
Thence South 45°15'49" West for 40.0 feet to a point;
Thence North 33°25'11" West for 127.70 feet to a point on the Southeasterly right of way of Idaho State Highway 30;
Thence North 45°15'49" East for 40.0 feet along said right of way to the TRUE POINT OF BEGINNING.

(CONTINUED)

AND ALSO

Store #66:

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 11: Beginning at a point located South 89°50' West a distance of 1176.0 feet from the North 1/16th corner common to Sections 11 and 12, and North 45°20' East a distance of 466 feet, which is the POINT OF BEGINNING;
Thence running North 44°40' West, a distance of 400.0 feet to the right of way line of U. S. Highway 30 North;
Thence running North 45°20' East along the right of way line of said U. S. Highway 30 North, a distance of 230.0 feet;
Thence running South 44°40' East, a distance of 400.0 feet;
Thence running South 45°20' West, a distance of 230 feet, to the POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 11: A parcel of land located in the NE¼NE¼, more particularly described as follows:

Beginning at a point that is South 89°50' West 403.5 feet from the Northeast corner of said Section 11, which point is on the Easterly right of way line of U. S. Highway No. 30 North; thence South 45°20' West 1,011.0 feet to the TRUE POINT OF BEGINNING;
Thence South 44°40' East along the Southerly boundary of property deeded to Farris C. Lind and Virginia Lind by Deed dated October 7, 1960, and recorded May 24, 1962 as Document No. 157897, Minidoka County records, a distance of 290 feet;
Thence South 45°20' West 250 feet;
Thence North 44°40' West 290 feet;
Thence North 45°20' East 250 feet to the TRUE POINT OF BEGINNING.

Now known as Lot 21 in Block 2 of A Replat of the Wayside Subdivision, Minidoka County, Idaho, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded December 29, 2003 as Document No. 470016, Minidoka County records.

Instrument # 499701

MINIDOKA COUNTY, RUPERT, IDAHO

11-19-2008 03:32:01 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE

DUANE SMITH Fee: 9.00

Ex-Officio Recorder Deputy *lil*

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Fearless Farris Service Stations, Inc., a dissolved Idaho corporation, as Grantor, does hereby grant, sell, convey, transfer and assign to CJSD Holdings, Inc., an Idaho corporation, as Grantee, whose address is Post Office Box 7627, Boise, Idaho, 83707, the following described real property in the County of Minidoka, State of Idaho:

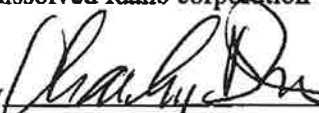
All that certain real property particularly described on Schedule A attached hereto and incorporated herein by this reference.

Grantor is an Idaho corporation, duly dissolved pursuant to Idaho Code Section 30-1-1403, according to Articles of Dissolution filed on May 31, 2007, with the Secretary of State, State of Idaho. This grant was approved by the corporation's shareholders and directors under that certain resolution effective May 31, 2007, entitled Consent to Action of Sole Shareholder and Directors in Lieu of Special Meeting, which authorized the undersigned officer to convey the corporation's right, title and interest in the real property described above to CJSD Holdings, Inc., an Idaho corporation, pursuant to Idaho Code Section 30-1-1405, subject to CJSD Holdings, Inc.'s assumption of all liabilities related to this real property. This grant is expressly made subject to: (a) that certain Deed of Trust by, between and among Fearless Farris Service Stations, Inc., as grantor, and First American Title Insurance Company, as trustee, and Zions First National Bank, as beneficiary, dated November 18, 2002 and recorded on November 20, 2002 as Instrument No. 462223, official records of Minidoka County, Idaho, together with all addendums and modifications thereto; (b) that certain Deed of Trust by, between and among Fearless Farris Service Stations, Inc., as grantor, and First American Title Insurance Company, as trustee, and F. Scott Lind, Kent F. Lind, H. Kent Johnson and Julie A. (Lind) Johnson, as beneficiary, dated November 18, 2002 and recorded on November 20, 2002 as Instrument No. 462229, official records of Minidoka County, Idaho, together with all addendums and modifications thereto; (c) that certain Deed of Trust by, between and among Fearless Farris Service Stations, Inc., as grantor, and First American Title Insurance Company, as trustee, and Sinclair Oil Corporation, as beneficiary, dated February 1, 2006 and recorded on February 6, 2006 as Instrument No. 482625, official records of Minidoka County, Idaho, together with all addendums and modifications thereto; and (d) other matters of record. This grant is effective as of May 31, 2007.

DATED this 14TH day of OCTOBER, 2008.

GRANTOR:

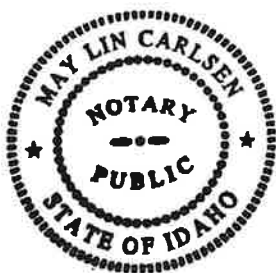
Fearless Farris Service Stations, Inc.,
a dissolved Idaho corporation

By 
Charley D. Jones, President

STATE OF IDAHO)
: ss.
County of Ada)

On this 14th day of October, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Charley D. Jones, the President of Fearless Farris Service Stations, Inc., a dissolved Idaho corporation, known to me to be the person who executed the within and foregoing instrument for and on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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




Notary Public for Idaho
Residing at Baise, ID
Commission expires 4.8.2012

SCHEDULE A

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 11: Beginning at a point located South 89°50' West a distance of 1176.0 feet from the North 1/16th corner common to Sections 11 and 12, and North 45°20' East a distance of 466 feet, which is the POINT OF BEGINNING;
Thence running North 44°40' West, a distance of 400.0 feet to the right of way line of U. S. Highway 30 North;
Thence running North 45°20' East along the right of way line of said U. S. Highway 30 North, a distance of 230.0 feet;
Thence running South 44°40' East, a distance of 400.0 feet;
Thence running South 45°20' West, a distance of 230 feet, to the POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 11: A parcel of land located in the NE¼NE¼, more particularly described as follows:

Beginning at a point that is South 89°50' West 403.5 feet from the Northeast corner of said Section 11, which point is on the Easterly right of way line of U. S. Highway No. 30 North; thence South 45°20' West 1,011.0 feet to the TRUE POINT OF BEGINNING;
Thence South 44°40' East along the Southerly boundary of property deeded to Farris C. Lind and Virginia Lind by Deed dated October 7, 1960, and recorded May 24, 1962 as Document No. 157897, Minidoka County records, a distance of 290 feet;
Thence South 45°20' West 250 feet;
Thence North 44°40' West 290 feet;
Thence North 45°20' East 250 feet to the TRUE POINT OF BEGINNING.

Now known as Lot 21 in Block 2 of A Replat of the Wayside Subdivision, Minidoka County, Idaho, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded December 29, 2003 as Document No. 470016, Minidoka County records.



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

March 24, 2022

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

Re: Change in Ownership for Water Right No(s): 36-8332, and 36-8744

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, Attorneys

WD 130

McHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

RECEIVED

MAR 11 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

March 8, 2022

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

Re: Change of Ownership, 36-8332, 36-8744

Dear Clerk:

Please find enclosed a *Notice of Change in Water Right Ownership* as to water right nos. 36-8332 and 36-8744 filed on behalf of the City of Heyburn, along with a check in the amount of \$50.00. The City of Heyburn acquired these water rights on February 9, 2022.

Please send all correspondence to me.

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

Sincerely,



CHRIS M. BROMLEY

Encls.