

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 07 2020

WATER RESOURCES
WESTERN 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?
	Yes ☐	Yes ☐	65-08916	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	65-08917	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	cancelled 11/01/2021	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Robert D. Hays

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Sylvia B. Hays

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

795 Ranch Drive

Mailing address

Eagle

City

ID

State

83616

ZIP

208-939-9245

Telephone

rdhays@cablone.net

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: 6-06-1931

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 # 65-8916

8. Signature: Sylvia B. Hays Trustee 12-3-2020
 Signature of new owner/claimant Title, if applicable Date

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

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 _____ Date _____

Instrument # 402823

VALLEY COUNTY, CASCADE, IDAHO

12-6-2016 10:38:14 AM No. of Pages: 2

Recorded for : EBERLE, BERLIN, KADING, TURNBOW

DOUGLAS A. MILLER

Fee: 13.00

Ex-Officio Recorder Deputy

Index to: DEEDS

WARRANTY DEED

FOR VALUE RECEIVED,

SYLVIA BOLES HAYS, as Trustee of the REVOCABLE TRUST AGREEMENT FOR ROBERT DENECKE HAYS dated October 4, 1994 ("Grantor"), does hereby grant, bargain, sell and convey unto SYLVIA BOLES HAYS, as Trustee of the MARITAL TRUST CREATED UNDER THE REVOCABLE TRUST AGREEMENT FOR ROBERT DENECKE HAYS dated October 4, 1994, with a mailing address of 795 Ranch Drive, Eagle, Idaho 83616 ("Grantee"), an undivided 80.47 interest as tenant-in-common in real property located in Valley County, Idaho, more particularly described as follows:

**Recorders Plat in Gov't. Lot 1, Lot 13, Block 1, S8, T18N, R3E,
McCall, Idaho.**

To have and to hold the said premises with their appurtenances unto the Grantee and Grantee's successors and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee simple of said premises, that the premises are free and clear from all encumbrances, except current taxes and assessments, easements, rights-of-way, encumbrances, restrictions and reservations of record, and that Grantor will warrant and defend the quiet and peaceful possession of said premises by the Grantee and Grantee's successors and assigns forever, against all lawful claims whatsoever.

DATED This 3rd day of November, 2016.

GRANTOR:

**REVOCABLE TRUST AGREEMENT FOR
ROBERT DENECKE HAYS dated October 4, 1994**

By:

Sylvia Boles Hays
Sylvia Boles Hays, Trustee

COPY

STATE OF IDAHO)
) ss:
County of Ada)

On this 3 day of NOVEMBER, 2016, before me, the undersigned, a notary public in and for said State, personally appeared **SYLVIA BOLES HAYS, as Trustee of the REVOCABLE TRUST AGREEMENT FOR ROBERT DENECKE HAYS dated October 4, 1994**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as such Trustee.

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



Notary Public for Idaho

My Commission Expires: 10-26-2018



Instrument # 402344

VALLEY COUNTY, CASCADE, IDAHO

11-8-2016 01:06:18 PM No. of Pages: 2

Recorded for : EBERLE BERLIN KADING TURNBOM

DOUGLAS A. MILLER

Fee: 13.00

Ex-Officio Recorder Deputy

Index to: DEEDS

COPY

WARRANTY DEED

FOR VALUE RECEIVED,

SYLVIA BOLES HAYS, as Trustee of the REVOCABLE TRUST AGREEMENT FOR SYLVIA BOLES HAYS dated October 4, 1994 ("Grantor"), does hereby grant, bargain, sell and convey unto SYLVIA BOLES HAYS, as Trustee of the REVOCABLE TRUST AGREEMENT FOR ROBERT DENECKE HAYS dated October 4, 1994, with a mailing address of 795 Ranch Drive, Eagle, Idaho 83616 ("Grantee"), an undivided 30.47% interest as tenant-in-common in real property located in Valley County, Idaho, more particularly described as follows:

Recorders Plat in Gov't. Lot 1, Lot 13, Block 1, S8, T18N, R3E,
McCall, Idaho.

To have and to hold the said premises with their appurtenances unto the Grantee and Grantee's successors and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee simple of said premises, that the premises are free and clear from all encumbrances, except current taxes and assessments, easements, rights-of-way, encumbrances, restrictions and reservations of record, and that Grantor will warrant and defend the quiet and peaceful possession of said premises by the Grantee and Grantee's successors and assigns forever, against all lawful claims whatsoever.

Note: Grantor retains an undivided 19.53% interest as tenant-in-common in said premises.

DATED This 3rd day of November, 2016.

GRANTOR:

REVOCABLE TRUST AGREEMENT FOR
SYLVIA BOLES HAYS dated October 4, 1994

By:

Sylvia Boles Hays
Sylvia Boles Hays, Trustee

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

COPY

Date Filed JUNE 29, 2015

State File No. 2015-06234

DECEDENT - LEGAL NAME ROBERT DENECKE HAYS			
SEX MALE	SOCIAL SECURITY NUMBER	AGE 92 YEARS	DATE OF BIRTH JANUARY 1, 19
BIRTHPLACE BOISE, IDAHO		PLACE OF RESIDENCE EAGLE, IDAHO	
MARRIAGE STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) SYLVIA BOLES	WAS DECEDENT BORN IN U.S. ARMED FORCES? YES
FATHER - NAME SAMUEL DENT HAYS			BIRTHPLACE IDAHO
MOTHER - MARRIAGE NAME ANNA GERTRUDE DENECKE			BIRTHPLACE WYOMING
METHOD OF DISPOSITION CREMATION		FUNERAL SERVICE LICENSEE H. QUINN PETERSON	
NAME AND ADDRESS OF FUNERAL FACILITY SUMMERS FUNERAL HOMES, USTICK CHAPEL, MERIDIAN, IDAHO			
DATE OF DEATH JUNE 22, 2015	TIME OF DEATH 5:30 P.M.	CITY, TOWN OR LOCATION OF DEATH EAGLE, IDAHO	COUNTY OF DEATH ADA
CAUSE OF DEATH (underlying cause last) 			Approximate Interval Between Death and Death MONTHS
DUE TO (for use as a contributory cause) 			MONTHS
DUE TO (for use as a contributory cause) 			
DUE TO (for use as a contributory cause) 			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH (but not resulting in the underlying cause given above) HYPERTENSION			WAS AN AUTOPSY INFORMED? NO
MODE OF DEATH NATURAL	NAME OF CERTIFIER BRIDGETTE M. BAKER, M.D.	TITLE PHYSICIAN	
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY BY WEAPON
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

JULY 01, 2015

DATE ISSUED:

This copy not valid unless prepared on engraved border displaying State seal and signature of the Registrar.

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 01, 2021

SYLVIA B HAYS
795 E RANCH DR
EAGLE ID 83616-5117

RE: Change in Ownership for Water Right No(s): 65-8916, 65-8917

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on December 7, 2020 for the above referenced water rights. The Notice could not be processed because no processing fee was submitted, and your submitted Warranty Deeds only describe a portion of the place of use for water right no. 65-8916.

On March 11, 2021, the Department requested the required processing fees and additional supporting documentation from you. As of the date of this letter, the Department has not received the required documentation or fees. A copy of the letter sent to you dated March 11, 2021 and a computer-generated report are enclosed for your reference.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 334-2190.

Sincerely,

Lynne Evans
Office Specialist II

Enclosure(s)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/1/2021

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/1/2021

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 11, 2021

SYLVIA B HAYS
795 RANCH DR
EAGLE ID 83616

RE: Water Right Nos: 65-8916, 65-8917

Dear Sylvia Hays:

To follow up on our phone conversation today, here's some information on the status of the water rights you applied for ownership of, and what your options are for moving forward:

Water right no. **65-8917** is the Payette Lake water right, and it applies only to Lot 13. The deeds you already submitted are sufficient for this one, and if you will submit a \$25 processing fee to the Department, we can change that over to your ownership as soon as we receive it.

Water right no. **65-8916** is the ground water right, and it applies to Lots 11, 12, 13, and 14. Since the deed you submitted is only for Lot 13, and the other lots are owned by other people, I recommend that we process this ownership change as a *split*. That means that the Department will divide the water right into two portions: one water right that covers Lot 13, which will be in your name, and one water right that covers the other three lots. Any of the owners of those other three lots have the right to request a split for themselves as well, and can apply for that split separately.

Splitting the water right will not damage your claim on it or your ability to use it: since you only own one lot, you aren't able to make use of the full water right as it applies to the other three lots. Your water right priority date of 1931 will still be intact after a split. You may even find splitting the water right beneficial, as it will formally separate your water usage from that of your neighbors.

If you would like to split the water right, no additional documentation is necessary, and there will be a \$100 processing fee. The processing time for this water right would be a bit longer as our water rights agents need time to calculate and divide the water right and create new documentation for you.

Splitting the water right is the solution that is most likely to apply to your situation. If you would like to apply for the entire water right to be transferred to your ownership instead, we will need some very specific documentation that separates the water right from the land it's decreed to be used on. Here is a list of the documents that could apply:

- Quitclaim Deeds from the owners of the other three lots, stating that they grant you any and all interest in water right no. **65-8916**. This would sufficiently demonstrate your ownership of that water right, and relinquish the right of the other property owners to use it.

OR

- Deeds from the original owner(s) of those three parcels to their buyers that explicitly state that the land is being granted without any water rights.
 - Ex.: A Deed that grants the land with a water right may grant "...the said premises, with their appurtenances." A water right is most commonly considered an appurtenance of the property unless otherwise specified.
 - Ex.: A Deed that grants the land without a water right may grant "...the said premises, excluding any interest in water right no. 65-8916." or "...excluding as non-appurtenant any and all water diverting from the well on Lot 13."

OR

- A copy of The Revocable Trust Agreement for Robert Denecke Hays, if said document includes text describing that water right no. 65-8916 is conveyed from Robert Hays to the Trust.

In order to grant you the entire water right without a split, the Department requires a definite legal document showing that the entire water right belongs to you, and that the other property owners have no legal interest in the water right. If none of the above documents apply to your property, the Department can only proceed by splitting the water right.

In summary:

The Department requires a \$25 fee to process your requested change in ownership for water right no. **65-8917**.

The Department requires a \$100 fee, and no additional paperwork, to process a split change in ownership for water right no. **65-8916**.

If you are able to provide any of the above requested documentation to support a non-split ownership change, the Department will require a copy of said documentation, and a \$25 fee to process the ownership change for water right no. **65-8916**.

If you have questions or concerns about this matter, please contact our office at (208) 334-2190, and I or one of our agents will be happy to assist you.

Sincerely,



Lynne Evans
Office Specialist II

Enclosures