

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
SEP 23 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

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?
36-11510	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: Charlotte J. Hellewell and George E. Hellewell
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: 5/5/2020
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: *Jack Galbraith* Mayor 9/20/2021
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 9/23/21 Receipt No. 5038845 Receipt Amt. \$25.00
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing
Name on W-9 _____ Approved by _____ Processed by bm W-9 received? Yes ☐ No ☐
Date 9-24-2021

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Luke H. Marchant
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405

Instrument # 555056
MINIDOKA COUNTY, RUPERT, IDAHO
5-5-2020 03:51:09 PM No. of Pages: 4
Recorded for : CITY OF HEYBURN
TONYA PAGE Fee: 15.00
Ex-Officio Recorder Deputy La

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

Robert Nay, a married man conveying his separate property, whose address is 1940 15TH Street, Heyburn, ID 83336 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto City of Heyburn, an Idaho municipal corporation, whose address is PO Box 147, Heyburn, ID 83336 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right No. 36-11510 described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

[SIGNATURES ON FOLLOWING PAGE]

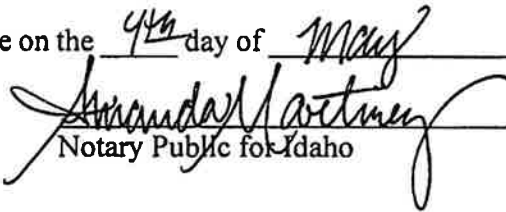
DATED this 4th day of May, 2020.

"GRANTOR"


Robert Nay

STATE OF IDAHO)
)ss.
County of Cassia)

This record was acknowledged before me on the 4th day of May, 2020,
by **ROBERT NAY**.


Notary Public for Idaho



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
417 N. Overland Ave.
Burley, ID 83318

Instrument # 536740

MINIDOKA COUNTY, RUPERT, IDAHO
07-07-2016 03:12:10 PM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - BURLEY
PATTY TEMPLE Fee: \$13.00
Ex-Officio Recorder Deputy Susan Aston
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **593093RU (jac)**

Date: **July 05, 2016**

For Value Received, **Charlotte J Bradshaw Hellewell, a widow**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Robert Nay, an unmarried man**, hereinafter called the Grantee, whose current address is **1940 15TH Street, Heyburn, ID 83336**, the following described premises, situated in **Minidoka County, Idaho**, to-wit:

That portion of Block 26 of the Second State Addition to the City of Heyburn, Minidoka County, Idaho, more particularly described as follows:

Commencing at the intersection of "T" and 15th Streets monumented by a ½ inch rebar and LS Cap 7920; Thence North 0°08'13" West along the centerline of "T" Street for 40.00 feet; Thence North 89°45'14" East along the extended south line of Block 26 of the Second State Addition for 40.00 feet to the southwest corner of Block 26 and being the True Point of Beginning:

**Thence North 0°05'24" East for 161.37 feet (160 feet rec.) along the west boundary of Block 26 to a 2 inch pipe rebar;
Thence South 89°56'29" East for a distance of 201.77 feet to a ½ inch rebar with L.S. cap;
Thence South 89°56'29" East for a distance of 208.65 feet to a ½ inch rebar;
Thence continuing South 89°56'29" East for a distance of .59 feet to a point on the East boundary of Block 26;
Thence South 00°03'22" East for a distance of 160.32 feet (160 feet rec.) to the southeast corner of Block 26;
Thence South 89°54'41" West for a distance of 411.42 feet along the south boundary of Block 26 to the True Point of Beginning.**

The above property was previously described as the South 160 feet of Block 26 of the Second State Addition to the Townsite of Heyburn, Minidoka County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 07/05/2016

Warranty Deed
- continued

File No.: 593093RU (jac)

Charlotte J Bradshaw Hellewell
Charlotte J Bradshaw Hellewell

STATE OF Idaho)
SS.

COUNTY OF Minidoka)

On this 7th day of July, 2016, before me, a Notary Public in and for said State, personally appeared **Charlotte J Bradshaw Hellewell**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Jennifer Cutler
Notary Public for the State of Idaho
Residing at: Rupert, ID
My Commission Expires: 2-27-18

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

Date Filed MAY 02, 2016

State File No. 2016-04330

DECEDENT - LEGAL NAME GEORGE EDWARD HELLEWELL			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 98 YEARS	DATE OF BIRTH [REDACTED]
BIRTHPLACE HEYBURN, IDAHO		PLACE OF RESIDENCE HEYBURN, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) CHARLOTTE JEAN MERRILL	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME JAMES BURRUP HELLEWELL			BIRTHPLACE UTAH
MOTHER - MAIDEN NAME ELIZABETH SARAH EDNA LEICHTY			BIRTHPLACE UTAH
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE JOEL L. REWARD	
NAME AND ADDRESS OF FUNERAL FACILITY HANSEN MORTUARY, INC., RUPERT, IDAHO			
DATE OF DEATH [REDACTED]	TIME OF DEATH 4:45 P.M.	CITY, TOWN OR LOCATION OF DEATH RUPERT, IDAHO	COUNTY OF DEATH MINIDOKA
CAUSE OF DEATH - (underlying cause last) PNEUMONIA			Approximate Interval Between Onset and Death 1 WEEK
DUE TO (or as a consequence of): CONGESTIVE HEART FAILURE			7 MONTHS
DUE TO (or as a consequence of): DEBILITIES OF AGE			4 YEARS
DUE TO (or as a consequence of): d:			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above RENAL FAILURE, DIABETES			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL		NAME OF CERTIFIER JEFF S. SWENSON, M.D.	TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES OF INJURY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

**COPY FOR
ADMINISTRATIVE
USE ONLY**

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.

DATE ISSUED: MAY 02, 2016

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



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

The said George Edward Hellewell died testate ^{cf} on April 25, 2016 at Rupert, Idaho, being at said time a resident of Minidoka County, and upon his death title to the aforementioned real property vested in affiant as survivor of said marital community and sole heir of any separate property, and affiant has continued to own, hold, claim and possess the said property as his/her own, free from all claims of others, and during all of said time he/she has held the open, notorious, and peaceable possession of said lands, and every part thereof.

Affiant further states that at the time of the death of said George Edward Hellewell, there were no existing creditors or claims against his/her or affiant, and that since the death of said George Edward Hellewell, he/she has paid all funeral expenses and all outstanding obligations of every kind and nature existing at the time of the death of George Edward Hellewell.

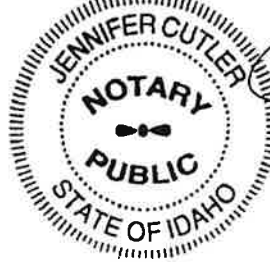
Affiant further states that he/she was well and personally acquainted with the estate of said George Edward Hellewell as owned and held by him/her at the time of his/her death, and that the entire value of his/her estate, including the real property above-mentioned, did not exceed the sum of \$ n/a ^{cf} that all of said property was the community property of said deceased and affiant, and that there is no outstanding inheritance tax or Federal Estate tax due or unpaid by reason of the death of said George Edward Hellewell.

No probate proceedings were ever held in the matter of the estate of said George Edward Hellewell, deceased in the State Courts of Idaho or elsewhere, and affiant makes and records this affidavit for the purpose of establishing his/her ownership of the real property above-mentioned in the absence of any creditor's claims, inheritance taxes, and Federal Estate taxes.

Charlotte J Bradshaw Hellewell
Charlotte J Bradshaw Hellewell

STATE OF Idaho)
COUNTY OF Minidoka)
On this 7th day of July, 2016, before me, a Notary Public in and
for
said State, personally Charlotte J Bradshaw Hellewell
appeared _____

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument,
and acknowledged to me that he/she/they executed the same.



Jennifer Cutler
Notary Public for the State of Idaho
Residing at: Rupert, ID
My Commission Expires: 2-27-18

McHUGH BROMLEY

ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

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

Chris M. Bromley
cbromley@mchughbromley.com

September 21, 2021

IDWR Southern Region
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

RECEIVED
SEP 23 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Change of Ownership

Dear Clerk:

Please find enclosed a *Notice of Change in Water Right Ownership* and a \$25.00 check made payable to IDWR to change ownership of water right no. 36-11510 ("Water Right") from Charlotte J. Hellewell and George E. Hellewell to the City of Heyburn.

George E. Hellewell died on April 25, 2016 in Rupert, Idaho, leaving his community property interest in the Water Right to his wife, Charlotte J. Bradshaw Hellewell. Enclosed is the *Affidavit of Death* and *Certificate of Death* for Mr. Hellewell.

On July 7, 2016, a *Warranty Deed* was recorded in Minidoka County as Instrument No. 536740 conveying real property, including the Water Right as an appurtenance, from Charlotte J. Bradshaw Hellewell, a widow, to Robert Nay, an unmarried man. The *Warranty Deed* is enclosed.

On May 5, 2020, a *Special Warranty Deed for Water Right* was recorded as Minidoka County as Instrument No. 555056 conveying the Water Right from Robert Nay to the City of Heyburn. The *Special Warrant Deed for Water Right* is enclosed.

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

Sincerely,



CHRIS M. BROMLEY

Encls.



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

September 24, 2021

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

Re: Change in Ownership for Water Right No(s): 36-11510

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) 293-9908.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

c: Mc Hugh Bromley PLLC